The City Council of the City of Raleigh met in regular session on Tuesday, January 18, 1983, at 1:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

The Mayor called the meeting to order and invocation was rendered by the Reverend A.D. Ellison, Associate Minister of Hudson Memorial Presbyterian Church, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

BEAUTIFICATION - ENTRANCE FROM BELTLINE AT GLENWOOD AVENUE - CONTRIBUTION RECEIVED

Mayor York called on Mrs. Reba Carter, Louise Ingram and Jane Doby, representing the Raleigh Garden Club, for a presentation. Mrs. Carter indicated she was President of the Raleigh Garden Club and past President of the Dogwood Garden Club. She indicated while the Dogwood Garden Club was in existence, they had a fund raising drive to raise money to beautify the entrance from the Beltline at Glenwood Avenue and Ridge Road. She stated at the time the money was raised, the land had not been released by the State to the City so the money was put into a savings account until the beautification project could be done. In the meantime, the Dogwood Garden Club disbanded and several of its members joined the Raleigh Garden Club, therefore, the Raleigh Garden Club has now arranged for this project to be completed and the money to be presented to the City. She presented a check in the amount of $418.84 for the project. Mayor York accepted the contribution expressing appreciation for this work. See Ordinance 53.

RALEIGH HUMAN RESOURCES AND RELATIONS ADVISORY COMMITTEE - NOMINEES FOR ANNUAL STATE AWARD - CERTIFICATES PRESENTED

Mayor York presented certificates to the Raleigh nominees for the annual North Carolina Human Relations awards in the following categories: Community Involvement - John E. Stokes, Citizen At Large - Berry A. Williams, Jr., Industry - Southern Case. Mayor York indicated the annual selection has been made and none of Raleigh's candidates were chosen, however, Raleigh's nominees were very deserving. He read a brief resume of each recipient and presented them with a Certificate of Recognition.

CERTIFICATES OF APPOINTMENT - MADE

Mayor York explained the presentation of Certificates of Appointments and presented the following persons with certificates: Appearance Commission - Norma Burns; Arts Commission - Jay Eaker, J.C. Knowles (not present), Fred P. Parker, III, B. Fred Partin, Jr., and Thomas B. Woods.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. He explained if a Councillor requests discussion on an item, the item would be removed from the Consent Agenda and considered separately. He explained the vote on the Consent Agenda would be a roll call vote. Mr. Calloway REQUESTED THAT THE TRANSFER RELATING TO COMMUNITY DEVELOPMENT DEPARTMENT BE WITHDRAWN. Ms. Babb indicated there is an item relating to Laurel Hills grant and since this involves a transaction with her department, she would REQUEST TO BE EXCUSED FROM PARTICIPATION IN VOTING ON THE LAUREL HILLS PARK GRANT. Without objection, it was noted that Ms. Babb would be excused from voting on this item. Mr. Upchurch MOVED ADMINISTRATION'S RECOMMENDATION ON THE REMAINING ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

SANITARY SEWER EASEMENT - ACCEPTANCE OF DEDICATION - AUTHORIZED

It was pointed out there is a sanitary sewer main that has been in existence greater than thirty years and is a public main. Harris Wholesale, Incorporated, is offering to dedicate this easement to the City. A map was available at the meeting showing the location of the sanitary sewer easement. Administration RECOMMENDS THAT THE CITY COUNCIL APPROVE AND ACCEPT THE DEDICATION OF THE EASEMENT FROM HARRIS WHOLESALE, INCORPORATED. Consent Agenda approval: Upchurch/Walters - 8 ayes.

STANDARD PROCEDURE 300-26 - LONGEVITY PAY PROGRAM - APPROVED

On Monday, January 10, 1983, the Civil Service Commission approved revised Standard Procedure 300-26, "Longevity Pay Program," and recommended that the City Council

approve the revision. The revision can be found in Section 5.1.3, which allows employees who were on medical or emergency leave without pay during the issuance of longevity checks, to receive their longevity pay upon return to employment. The Civil Service Commission and Administration RECOMMENDS APPROVAL OF THIS STANDARD PROCEDURE REVISION. Consent Agenda approval: Upchurch/Walters - 8 ayes.

LAUREL HILLS PARK GRANT - REFUND TO STATE AUTHORIZED

Due to an overpayment of Grant No. 37-00261, "Laurel Hills Park," on May 16, 1980, by the State of North Carolina, a request for refund of such overpayment has been received from the North Carolina Department of Natural Resources and Community Development. The City has reviewed its files on this project and concurs that such overpayment did occur. The matter in question is the administrative expense of the State due to be retained from Federal funding which was inadvertently paid to the City of Raleigh. Administration RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE THIS REFUND TO THE STATE OF NORTH CAROLINA AND THAT THE FUNDS FOR SUCH REFUND BE APPROPRIATED FROM CODE ACCOUNT 37-2-1000-100. Consent Agenda approval: Upchurch/Walters - 7 ayes (Babb excused during vote on the Consent Agenda). See Resolution 142 TF 22.

WEST RALEIGH ELEVATED TANK - REQUEST FOR RETAINAGE REDUCTION - AUTHORIZED

The engineer on the West Raleigh Elevated Tank has recommended that retainage on the Hydrostorage, Inc., contract be reduced to 5 percent. Progress to date on this contract is in excess of 80 percent of the total contract price and construction is well ahead of schedule. APPROVAL OF THE REDUCTION OF RETAINAGE TO 5 PERCENT ON THE HYDROSTORAGE, INC., CONTRACT/WEST RALEIGH ELEVATED TANK IS RECOMMENDED. Consent Agenda approval: Upchurch/Walters - 8 ayes.

CAMP DURANT DAMS - PROFESSIONAL SERVICES PROPOSAL - ADMINISTRATION AUTHORIZED TO NEGOTIATE CONTRACT WITH SOIL & MATERIAL ENGINEERS

It was pointed out 16 letters requesting professional proposals were released to engineering firms. Seven firms responded, of which two expressed their inability at this time to present a proposal. The recommendation as to service, with fee to be negotiated at a later date, is as follows:

(a) Soil & Material Engineers, Inc.
(b) Law Engineering Testing Company
(c) STS Consultants, Ltd.

Others that responded are Ezra Meir Associates, Inc., and H.E. Withers & Associates. Administration RECOMMENDS THAT SOIL & MATERIAL ENGINEERS, INC., BE SELECTED IF A SATISFACTORY FEE AND CONTRACT CAN BE DEVELOPED WITH THE UNDERSTANDING THE CONTRACT WOULD THEN COME BACK TO COUNCIL FOR APPROVAL AND CONFIRMATION OF FEE AMOUNT. Consent Agenda approval: Upchurch/Walters - 8 ayes.

RALEIGH YOUTH COUNCIL - GRANT ACCEPTANCE - AUTHORIZED

On November 16, 1982, the City Council approved the Raleigh Youth Council's application to the North Carolina State Youth Advisory Council for a $373 mini-grant. The Raleigh Youth Council Advisor, Sarah Vann, received notice on December 16, 1982, that the application was accepted by the Youth Advisory Council. Administration REQUESTS THAT THE CITY COUNCIL ACCEPT THE APPROVED MINI-GRANT FUNDS IN THE AMOUNT OF $373 FOR THE RALEIGH YOUTH COUNCIL AND AUTHORIZATION TO BOOK THE SAME. Consent Agenda approval: Upchurch/Walters - 8 ayes.

ORDINANCE NO. (1983) 52

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 Budget be amended in order to reflect acceptance of a mini-grant from the N.C. Youth Advisory Council as follows:

Revenue:	02-1-1500-100	Raleigh Youth Council	$373.00
Expenditure:	02-2-1500-000	Raleigh Youth Council	$ -0-
	02-2-1500-100	Registration Materials	$373.00

Adopted: 1/18/83

STREET IMPROVEMENT - ATLANTIC AVENUE - RESOLUTION OF INTENT ADOPTED

APPROVAL IS REQUESTED FOR A RESOLUTION OF INTENT TO HOLD A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING CITIZEN INPUT ON THE MATTER OF CONSTRUCTING ATLANTIC AVENUE FROM THE EXISTING PAVEMENT AND CURB AND GUTTER SOUTH OF THE BELTLINE, NORTHWARD TO EXISTING PAVEMENT AND CURB AND GUTTER AT THE SOUTH END OF WINTON ROAD. It was recommended that a February 15, 1983, public hearing date be established. Consent Agenda approval: Upchurch/Walters - 8 ayes.

RESOLUTION NO. (1983) 141

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described herein are necessary in the public interest; that the owners of property abutting the improvements are unwilling or have failed to sign a petition for such improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Construction of Atlantic Avenue from the existing pavement and curb and gutter south of the Beltline northward to the existing pavement and curb and gutter at the south end of Winton Road.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 4. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 6. That a public hearing on all matters covered by this resolution shall be held on the fifteenth day of February, 1983, at 7:00 p.m., in the Council Chamber of the Municipal Building, Room 315, in the City of Raleigh, North Carolina, or as soon thereafter as the matter can be reached.

Adopted: January 18, 1983

OFFICE TRAILER - TEMPORARY - APPROVED WITH CONDITIONS

This was a request by T.A. Loving Company for permission to locate a trailer office on street right-of-way on Haymarket Lane, in connection with Raleigh Utilities Project #84-2-1110-101 - installation of the 54" water main. Administration RECOMMENDS APPROVAL PROVIDED THAT PROPER INDEMNITY IS PROVIDED AND THAT THE CONTRACTOR ASSURES THE RETURN OF THE RIGHT-OF-WAY IN THE SAME CONDITION AS WHEN IT WAS RECEIVED FOR USE. Consent Agenda approval: Upchurch/Walters - 8 ayes.

TAXICAB OWNER'S PERMIT - CLARENCE LEE HOWARD - APPROVED ON FIRST READING TO BE PLACED ON 2/1/83 AGENDA

An application has been received from Clarence Lee Howard, Rainbow Cab Company (Individual Owner's Permit), to operate a taxi. The application has been checked and meets the requirements of the Code. Administration RECOMMENDS APPROVAL OF THE APPLICATION ON THE FIRST READING WITH THE UNDERSTANDING IT WILL BE PLACED ON THE 2/1/83 AGENDA FOR SECOND AND FINAL CONSIDERATION. Consent Agenda approval: Upchurch/Walters - 8 ayes.

BUDGET AMENDMENTS - CITY MANAGER AND PARKS AND RECREATION - ORDINANCE ADOPTED

The Agenda presented a budget amendment in the City Manager's budget in the amount of $300,000 to appropriate sufficient funds to acquire the Bryant property and for future acquisition as needed. A second budget amendment in the Parks and Recreation Department in the amount $11,000 to provide necessary funds for operation of Optimist Pool was also presented. Administration RECOMMENDS APPROVAL OF THE TWO BUDGET AMENDMENTS AS OUTLINED. Consent Agenda approval: Upchurch/Walters - 8 ayes.

ORDINANCE NO. (1983) 53

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 Budget be amended as follows to reflect acceptance of contribution from Raleigh (Dogwood) Garden Club for beautification of entrance from the Beltline at Glenwood Avenue/Ridge Road:

Increase Revenue:	37-1-0070-200	Misc. Income	$418.84
Increase Expenditure:	37-2-3000-175	Beautification/ Beltline/Ridge Road	$418.84

Section 2. That the 1982/1983 Budget be amended as follows to appropriate sufficient funds to acquire Bryant property and for future acquisition as needed:

Revenue:	38-1-0000-101	Sale of Bonds	$300,000.00
Expense:	38-2-3160-100	Lake Johnson Acq.	$300,000.00

Section 3. That the 1982/1983 Budget be amended as follows to provide necessary funds for operation of Optimist Pool:

Revenue:	18-1-0070-204	Optimist	$11,000.00
Expense:	18-2-0500-258	Chem. & Drugs	$ 7,000.00
	18-2-0500-270	Food for Resale	$ 4,000.00

Adopted: 1/18/83

INFORMATIONAL ITEMS - RECEIVED

The Agenda indicated the City Manager has granted rent-free use of the VIP Lounge at the Civic Center on Wednesday, January 5, 1983, to hold a reception for the new Fire Chief, Thomas Kuster; rent-free use of a meeting room at the Civic Center on the evening of February 14, 1983, for an annual meeting of the City of Raleigh Employees' Credit Union membership; rent-free use of Assembly Hall No. 1 at the Civic Center on December 16, 1983, for the Annual Employees' Christmas Party. The items were received as information.

The Agenda also indicated the Portable Asphalt Patch-Mix Plant has been delivered as scheduled in the purchase agreement. This was received as information without comment.

"FOCUS ON TOMORROW" - RECEIVED AS INFORMATION - RALEIGH TOMORROW TASK FORCE TO COMMENT

In the Agenda under Items for Information, it was indicated a report entitled, "Focus on Tomorrow," has been received from Project 2000. This is an intensive effort by a cross section of Region J citizens to examine the growth of this vital area of North Carolina. In the report one will find projections, predictions, and opinions about what our space in the world will be at the beginning of the next century. "Focus on Tomorrow" is being transmitted to all elected officials in Region J. The Council may wish to take some action on this report. Mayor York indicated he would suggest that the Council receive this report as information and ask the Raleigh Tomorrow Task Force to look over the report and if there are any suggested responses or actions the Council may take, that could be reported back to Council. WITHOUT OBJECTION, THE REPORT, "FOCUS ON TOMORROW," WAS REFERRED TO RALEIGH TOMORROW TASK FORCE.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Members of the Council received in their Agenda packet a list of administrative transfers authorized by the City Manager according to Council procedure. CONCURRENCE WITH THE MANAGER'S ACTIONS ON ADMINISTRATIVE TRANSFERS IS RECOMMENDED. Consent Agenda approval: Upchurch/Edwards - 8 ayes. The transfers were as follows:

FROM	TO	AMOUNT
01-2-5060-700	01-2-5060-263	$190.00
01-2-5060-616	01-2-5060-226	250.00
01-2-3010-702	01-2-3010-231	300.00
19-2-8040-534	19-2-8040-700	975.00
01-2-3030-234	01-2-3030-602	121.00
01-2-1040-001	01-2-1210-297	26.00
19-2-8040-534	19-2-8040-992	400.00
01-2-4020-243	01-2-4020-724	950.00
01-2-6010-734	01-2-6010-735	180.00
01-2-5020-615	01-2-5020-713	791.44
06-2-7050-753		31.84
	06-2-7050-760	23.20
	06-2-7050-716	8.64
81-2-1811-000	81-1-1811-104	161.65

TRANSFERS - WITHIN VARIOUS ACCOUNTS AND FROM CONTINGENCIES - RESOLUTION AND ORDINANCE ADOPTED

The Agenda presented a list of transfers within various accounts for purposes as stated therein and a list of appropriations from various contingencies. APPROVAL OF THE TRANSFERS AND APPROPRIATION FROM CONTINGENCIES IS RECOMMENDED. Consent Agenda approval: Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1983) 142 TF 22

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 29, 1982, and included in the budget for the fiscal year ending June 30, 1983, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	01-2-1090-100	Salaries	$ 6,370.00
To	01-2-1090-226	Repairs to Equipment	1,400.00
	01-2-1090-236	Equipment Rental	1,500.00
	01-2-1090-260	Office Supplies	500.00
	01-2-1090-704	Desk	1,800.00
	01-2-1090-705	Chair	450.00
	01-2-1090-706	Transcribers	560.00
	01-2-1090-707	Miscellaneous Equipment	160.00

Purpose: To acquire equipment necessary to transfer Word Processing night shift to regular daytime working hours.

From	37-2-1125-100	Camp Durant	$30,000.00
To	37-2-1125-106	Camp Durant-House	30,000.00

Purpose: Construction of caretaker's house - Camp Durant.

From	01-2-6020-235	Other Materials	$ 1,000.00
To	01-2-6020-265	Other Materials	1,000.00

Purpose: To provide funds to pay for services until next fiscal year.

From	43-2-9070-300	Rehab Loans & Grants	$48,900.00
From	43-2-4060-100	Rehab Loans & Grants	52,600.00
To	43-2-9020-300	Acq. of Real Property	48,900.00
To	43-2-4020-100	Acq. of Real Property	52,600.00

Purpose: To provide funds to cover anticipated acquisition and court costs in Phase II, Stage II, South Park and the concentrated area.

From	32-2-3010-110	Winton Road Ext.	$20,000.00
To	32-2-3010-104	Winton Road Ext. "D"	20,000.00

Purpose: Additional engineering services necessitated for the design of railroad overpass to coordinate with private property development in the area.

From	37-2-1000-100	Council Reserve	$ 8,901.83
To	37-2-1013-101	Grant Refund	8,901.83

Purpose: To provide funds for the refund of over paid grant by the State of N.C.

From	01-2-5020-621	Concrete Saw	$ 2,400.00
To	01-2-5020-715	Mower/Bush Hog	2,400.00

Purpose: To acquire mower/bush hog for cutting rights-of-way and City properties.

From	01-2-5020-615	Clay Digger	$ 1,060.00
From	01-2-5020-621	Concrete Saw	100.00
To	01-2-5020-714	Storm Sewer Equipment	1,160.00

Purpose: To provide assistance in drainage and storm sewer maintenance.

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-4130-601	Furniture & Fixtures	$ 1,995.87
To 01-2-4130-227	Repairs to Equipment	1,995.87

Purpose: To provide funds for building and repairing furniture for fire stations.

Adopted: 1/18/83

ORDINANCE NO. (1983) 56 TF 12

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That $4,652.75 of the General Fund Contingency appropriation, Code Account 01-2-1040-001, is hereby transferred from that appropriation and added to the appropriations made in the 1982/1983 Budget Ordinance as follows:

$3,900.00 to Code Account 01-2-1090-236, Equipment Rental, to acquire equipment necessary to transfer Word Processing night shift to regular daytime hours.

$752.75 to Code Account 01-2-1040-207, Fuqua-Cable, to pay final bill from Fuqua Associates.

Adopted: 1/18/83

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented RECOMMENDED CHANGES IN THE TRAFFIC CODE RELATING TO CHANNELIZATION AND NO PARKING ON HOWARD ROAD AND PASSENGER LOADING ZONE REMOVAL ON HILLSBOROUGH STREET. Consent Agenda approval: Upchurch/Edwards - 8 ayes.

ORDINANCE NO. (1983) 54

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Howard Street, both sides, from Saunders Street, eastward 190 feet

Section 2. That Traffic Schedule No. 6B1 entitled "CHANNELIZATION" be amended by adding the following:

Howard Road at Saunders Street
***See Section 3 Below

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective January 25, 1983.

***Section 3. That Schedule 16 entitled "PASSENGER LOADING ZONE" be amended by deleting the following:

Hillsborough Street, north side, 5:00 p.m. to mid-night, beginning at a point 15 feet east of Horne Street, eastward 79 feet

Adopted: 1/18/83
Effective: 1/25/83

END OF THE CONSENT AGENDA

TRANSFERS - COMMUNITY DEVELOPMENT DEPARTMENT - RESOLUTION ADOPTED; ADMINISTRATION TO FURNISH INFORMATION

The Agenda presented a transfer in the Community Development Department in the amount of $101,500 to provide funds to cover anticipated acquisition and court cost in Phase II, Stage II, South Park and the concentrated area. Mr. Calloway indicated he would just like some information as to what this transfer would do to the Rehab Loan and Grant Program. He stated he felt sure that the staff would not dismantle the Loans and Grant Program but he would like information as to what this will do. Mr. Calloway MOVED APPROVAL OF THE TRANSFER IN THE COMMUNITY DEVELOPMENT DEPARTMENT AS OUTLINED WITH THE UNDERSTANDING ADMINISTRATION WILL PROVIDE INFORMATION TO HIM. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 142 TF 22.

SPECIAL ITEMS

SWIFT CREEK - RESOLUTION ADOPTED OPPOSING INCORPORATION

Mr. Upchurch presented Council Members with a resolution which has been prepared stating the Council's opposition to incorporate an additional municipality in the Swift Creek Township. Mayor York read the resolution in full. Mr. Upchurch MOVED ADOPTION OF THE RESOLUTION AS THE OFFICIAL STATEMENT OF THE CITY ON THIS QUESTION. His motion was seconded by Mr. Edwards. Mr. Edwards pointed out the Mayor's Association of Wake County went on record as opposing this incorporation of an additional municipality in Wake County and adopted a similar resolution. Mayor York indicated in his opinion, much of the State of North Carolina's strength is in its cities and it is felt that we do not want a lot of small cities springing up around the larger cities that will not allow the existing cities to grow. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED. Mayor York indicated Mr. Upchurch will have to leave the meeting later in the day to go to the State to present this resolution on behalf of the City.

RESOLUTION NO. (1983) 140

WHEREAS, residents of the Swift Creek Township are considering the solicitation of authority to incorporate an additional municipality in the Swift Creek Township; and

WHEREAS, the Swift Creek Township includes areas which are within the City of Raleigh and other areas which are within the planning jurisdiction of the City of Raleigh.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RALEIGH assembled in regular session, the 18th day of January, 1983, that:

Section 1. After consideration, the City Council of Raleigh does not support the incorporation of an additional municipality in the Swift Creek Township due to the following factors:

a. The area of consideration includes sections which are already within the boundary of the City of Raleigh,

b. A substantial portion of the Swift Creek Township is within the extraterritorial planning jurisdiction of the City of Raleigh and the Town of Cary,

c. A number of City facilities including Gorman Street, Lake Johnson Parkland, Lake Wheeler and water and sewer lines are within the Swift Creek Township,

d. The urban public service needs of the Swift Creek area can be served by existing municipalities,

e. The addition of another municipality would create a fragmentation of public services which could result in higher costs of services to residents in the area and existing municipalities,

f. The area is within the geographic proximity of existing municipalities which G.S. 160A-9.2 has indicated should not be included in any new municipality.

Section 2. The City Council of Raleigh urges the Wake Delegation to the General Assembly to defer consideration of any request to authorize the incorporation of another municipality in Swift Creek Township.

Adopted: 1/18/83

HOUSING STUDY - ARNOLD ZOGRY AND COMPANY REPORT - SUGGESTED ROLE OF THE CITY - REFERRED TO LAW AND FINANCE COMMITTEE; COUNCIL TO APPOINT COMMITTEE TO STUDY RECOMMENDATIONS FOR PRIVATE SECTOR

Mayor York indicated during the January 4, 1983, meeting, he submitted suggestions relating to the housing studies/actions in the City of Raleigh coming out of the Arnold Zogry Report. It was agreed that Council Members would study the report and his recommendations would be placed on this Agenda for further consideration. Mayor York indicated he felt it was very clear we need to establish a policy for housing in the City. He stated if it is going to be successful, he feels it will have to be a partnership between private and public bodies. He indicated the specific recommendations of Zogry would be the basis of discussion and he would suggest that the SPECIFIC SUGGESTIONS RELATING TO THE ROLE OF THE CITY OF RALEIGH BE REFERRED TO THE LAW AND FINANCE COMMITTEE FOR STUDY AND AT THE SAME TIME THE COMMITTEE, AS RECOMMENDED BY MR. ZOGRY'S REPORT, BE APPOINTED TO STUDY THE SUGGESTED IMPLEMENTATIONS BY THE PRIVATE SECTOR. Mr. Upchurch moved the recommendations as outlined be upheld. His motion was seconded by Mr. Calloway. Mr. Calloway indicated he read through the report indicating he feels the basic Zogry plan is sound and thorough. Mr. York indicated he would be working to put the Committee together and in addition if any Council Members had suggestions for people to serve on this Committee, to get them to him and hopefully the Committee could be established at the next meeting. He pointed out the

purpose of this action would be a procedure to study the housing situation and the development of a housing policy for the City. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Mr. Edwards REQUESTED THAT HE BE EXCUSED FROM VOTING IN CR-1821 (S-166-82) AND FURTHER REQUESTED THAT CR-1826 (Z-5-83) BE WITHDRAWN FROM THE CONSENT AGENDA. Mayor York REQUESTED THAT HE BE EXCUSED FROM PARTICIPATION IN CR-1822 (SC-176). Without objection, the item was withdrawn and Mayor York and Mr. Edwards were excused from participation on the matters indicated. Mr. Edwards MOVED THE PLANNING COMMISSION'S RECOMMENDATION ON THE REMAINING ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The items on the Consent Agenda were as follows:

S-139-82 - PEMBROKE SQUARE OFFICE CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to construct a 30,036 square foot office complex consisting of 34 office condominiums on 4.6 acres, zoned Office and Institution-III.

The property is located on the northeast corner of the intersection of Six Forks Road and Ammons Drive, inside the City Limits.

CR-1818 from the Planning Commission recommended that this request be approved according to a map entitled, "Pembroke Square Office Condominiums," the property of Lincoln Developers of Raleigh, Inc., drawn by James A. Bridger, Jr., and Fred Tolson Associates, Inc., dated October 21, 1982, and November 5, 1982, with the condition that the legal documents for the non-profit group owners association be approved by the City Attorney's Office prior to recording the plan. Consent Agenda approval: Edwards/Calloway - 8 ayes.

PA-158 - PEMBROKE SQUARE OFFICE CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to construct a 30,036 square foot office complex consisting of 34 office condominiums on 4.6 acres, zoned Office and Institution-III.

This property is located on the northeast corner of the intersection of Six Forks Road and Ammons Drive, inside the City Limits.

CR-1819 from the Planning Commission recommended that this request be approved according to a map entitled, "Pembroke Square Office Condominiums," the property of Lincoln Developers of Raleigh, Inc., drawn by James A. Bridger, Jr., and Fred Tolson Associates, Inc., dated October 21, 1982, and November 5, 1982, with the condition that the legal documents for the non-profit group owners association be approved by the City Attorney's Office prior to recording the final plan. Consent Agenda approval: Edwards/Calloway - 8 ayes.

S-160-82 - LAKESIDE CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 1.68 acre parcel in half. Site is zoned Shopping Center and is being developed as residential condominiums. Applicant's request is because of mortgage purposes.

The property is located on Huntleigh Drive, just south of Mayflower Drive, inside the City Limits.

CR-1820 from the Planning Commission recommended that this request be approved according to a map entitled, "Lakeside Condominiums," the property of John R. Adams, drawn by Ellingwood Design Associates, dated December 9, 1982, with the condition that the legal documents for the condominiums be reviewed and approved by the City Attorney's Office prior to recording the final plat. Consent Agenda approval: Edwards/Calloway - 8 ayes.

S-166-82 - BISHOPS PARK WEST - APPROVED WITH CONDITIONS

This was a request for approval to construct a 36-unit condominium project on 1.6 acres zoned Office and Institution-I. This will be the second phase of Bishops Park. The site is currently vacant.

The property is bounded by Glenwood Avenue and Washington Street, inside the City Limits.

CR-1821 from the Planning Commission recommended that this request be approved according to a map entitled, "Bishops Park West," the property of Martin, McGuire, Inc., drawn by Dockery, Hunter, Reynolds and Jewell, dated November 22, 1982, with the condition that the legal documents for the non-profit Homeowners Association be reviewed and approved by the City Attorney's Office prior to recording the condominium package. Consent Agenda approval: Edwards/Calloway - 7 ayes (Edwards excused on vote on Consent Agenda).

SC-176 - MISSION VALLEY SHOPPING CENTER EXPANSION - APPROVED WITH CONDITIONS

This was a request for approval to expand the existing center by 16,600 square feet and construct an additional 149,530 square feet in four (4) structures on an additional 18.6 acres of land zoned Shopping Center.

The property is located at the northeast corner of Avent Ferry Road and Cardinal Gibbons Drive, inside the City Limits.

CR-1822 from the Planning Commission recommended that this request be approved according to a map entitled, "Mission Valley Shopping Center Expansion," the property of J.W. York, drawn by Jerry Turner and Associates, dated November 22, 1982, with the condition that the applicant submit sign criteria for the entire shopping center for approval by the Planning Commission and the City Council. Consent Agenda approval: Edwards/Calloway - 7 ayes (York excused during vote on Consent Agenda).

REZONING Z-82-82 - FALLS OF THE NEUSE ROAD, EAST SIDE, BETWEEN FALLS CHURCH ROAD AND CARLOS DRIVE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 8.3 acres from Residential-6 to Office and Institution-I (6.6 acres) and from Residential-4 to Office and Institution-I (1.7 acres).

CR-1823 from the Planning Commission recommended that Z-82-82 be approved as requested. Consent Agenda approval: Edwards/Calloway - 8 ayes. See Ordinance 55 ZC 113.

REZONING Z-1-83 - POOLE ROAD, SOUTH SIDE, ABOUT 200 FEET EAST OF EVA MAE DRIVE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately two (2) acres from Residential-6 to Neighborhood Business.

CR-1825 from the Planning Commission recommended Z-1-83 be approved as requested. Consent Agenda approval: Edwards/Calloway - 8 ayes. See Ordinance 55 ZC 113.

REZONING Z-7-83 - LAKE BOONE TRAIL, SOUTH SIDE, AND HARDEN ROAD, NORTH SIDE, BETWEEN BLUE RIDGE ROAD AND NANCY ANN DRIVE (IF EXTENDED) - DENIED

This was a request for approval to rezone approximately 15 acres from Residential-4 to Office and Institution-III.

CR-1827 from the Planning Commission recommended that Z-7-83 be denied. Consent Agenda approval: Edwards/Calloway - 8 ayes.

Z-10-83 - CREEDMOOR HIGHWAY (NC 50) AND LEESVILLE ROAD, NORTHEAST CORNER OF THE INTERSECTION - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately three (3) acres from Residential-4 to Office and Institution-III.

CR-1828 from the Planning Commission recommended that Z-10-83 be approved as requested. Consent Agenda approval: Edwards/Calloway - 8 ayes. See Ordinance 55 ZC 113.

Z-13-82 - CREEDMOOR ROAD (NC 50), WEST SIDE, BETWEEN MORGAN'S WAY AND STRICKLAND ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately four (4) acres from Office and Institution-II to Shopping Center.

CR-1831 from the Planning Commission recommended that Z-13-83 be approved as requested. Consent Agenda approval: Edwards/Calloway - 8 ayes.

ORDINANCE NO. (1983) 55 ZC 113

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Cross Link Road, north side, between Old Garner Road and Dandridge Drive, being Parcels 78 and 77, Tax Map 632, approximately 9.3 acres rezoned to Residential-10 district. (Z-58-82)

(b) Lake Dam Road, east side, and Gorman Street, generally between Walnut Creek and the I-40 Southern Beltline rezoned to Conservation/Buffer and Residential-10 according to the map entitled "Linpro/Raleigh, Map B," on file in the City of Raleigh Planning Department. (Z-61-82)

(c) Falls of Neuse Road, east side, between Falls Church Road and Carlos Drive, being Parcels 6, 484, and a portion of Parcel 382, Tax Map 380, 8.3 acres rezoned to Office and Institution-I, according to map on file in the City of Raleigh Planning Department. (Z-82-82)

(d) Poole Road, south side, about 200 feet east of Eva Mae Drive, being Parcels 29 and 30, Tax Map 582, rezoned to Neighborhood Business district. (Z-1-83)

(e) Creedmoor Highway (N.C. 50) and Leesville Road, northeast corner of the intersection, being Parcels 26, 26A and 118, Tax Map 378, rezoned to Office and Institution-III district. (Z-10-83)

(f) Shores of Lake Lynn, east and west sides, primarily being portions of Parcel 65, Tax Map 349, and further identified as areas "C" within the Crabtree Creek Watershed Project, Site 22-B, rezoned to Conservation/Buffer district, according to map on file in the City of Raleigh Planning Department. (Z-11-83)

(g) Creedmoor Road (N.C. 50), west side, between Morgan's Way and Strickland Road, being Parcel 86, Tax Map 301, rezoned to Shopping Center district. (Z-13-83)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective on the date of adoption, January 18, 1983.

Adopted: 1/18/83
Effective: 1/18/83

END OF PLANNING COMMISSION CONSENT AGENDA

REZONING Z-5-83 - LAKE DAM ROAD/INTERSTATE 40 - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone approximately 12.6 acres from Residential-6 to Residential-10 (9.6 acres) and from Residential-10 to Conservation Buffer (3 acres). Chairman Graham presented CR-1826 from the Planning Commission in which they recommended that the request be approved as requested. Mr. Edwards indicated he asked that this be withdrawn from the Consent Agenda pointing out there are two sections of the petition explaining there are two tracts of land and he feels the density and the transfer of density should be discussed further, therefore, he would REQUEST THAT REZONING APPLICATION Z-5-83 BE REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REZONING Z-72-82 - REQUEST FOR WAIVER OF TWO-YEAR WAITING PERIOD - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

Chairman Graham indicated this was a request for a waiver of the two-year waiting period relating to property covered by Rezoning Application Z-72-82. He presented CR-1824 from the Planning Commission in which they recommended that the request described in the letter and depicted on the map attached to CR-1824 be denied. Mr. Edwards moved the Planning Commission's recommendation be upheld which was seconded by Mr. Walters.

Mayor York indicated he wants to make sure we are treating everyone fairly. He pointed out as he understands it, there was a request for rezoning that went through the procedure and was denied. Then there was the request for waiver of the two-year waiting period and that was turned down and this is the second request for a waiver of the two-year waiting period. He indicated the Council has to look at whether there is enough difference in the applications to consider the rehearing and to him, it does look like a completely different application. Mr. Edwards indicated the case that came up and was denied was for rezoning from Residential-4 to Neighborhood Business and Residential-10. That was denied by the Council. The first request for a waiver had changed the rezoning request for the property to be rezoned from Residential-4 to Residential-10 and Office and Institution-II. The City Council denied that request and this is a request for waiver of the two-year waiting period and the request is that the property be rezoned to Residential-15. Mr. Edwards explained the Creedmoor Road Corridor Plan shows this area as uses other than Residential-4 but in a Residential classification. He indicated when you take a look at the case, anything other than Residential-6 development, in his opinion, would destroy the land. He stated in his opinion, this is somewhat abusing the procedure for requesting waiver pointing out it started out at the top and keeps coming down. He indicated he knew that substantial change is a judgmental thing, however, this one keeps coming back in. He stated when you look at the Creedmoor Road Corridor Plan, the City Council has stuck with the plan and he just does not feel that this particular land can carry 15 units per acre. He stated if the requests were dropped to a reasonable use then he may feel differently. He indicated the process used in this request is what is bothering him most pointing out he feels other people who have cases denied will come in requesting a waiver of the two-year period and start at the top and work their way through the process and the neighborhood will be disrupted time and time again. He indicated R-15 may be a substantial change but it is not a change that is in keeping with what the land can be used for. Mayor York indicated that is the point, that we are not looking at the merits of the case, the Council is to look at the request and see if it is a substantial change. He indicated he did not want to put the residents in an area through an undue process or number of hearings but that is not the purpose of the procedure. The purpose of the procedure is to determine if it is a substantial change and the Council should not be looking at the merits of the

case at this point. Mr. Walters indicated he felt the two-year waiting period procedure is something that we shouldn't have in our procedure. He stated if someone wants to bring a request before the governing body, he feels they have that right. He indicated in this particular case, we are in a sense trying the case and possibly in this particular incident, the applicant is trying to sense out whether the Council will pass the rezoning. Mr. Jordan agreed that anyone has a right to petition this Council. He stated he feels that we are having entirely too much discussion about the zoning matter and this is a request for a waiver of the two-year waiting period. He stated he didn't feel we should be talking about the zoning at this point. Mr. Edwards pointed out there was a plan approved by the Council, the Creedmoor Road Corridor Plan, and he feels that zoning cases that have come through that fits in that plan have been upheld by the Council. He indicated that plan was in place when Rezoning Z-72-82 was filed and it was not in conformance with the plan and they came back with a request for a waiver and now a second request and they just keep inching it down. He stated he did not feel that he could support this because of the procedure that has been followed. Mr. Walters indicated the Creedmoor Road Corridor Plan has nothing to do with the discussion or the matter under discussion today pointing out a person can bring a request before the City Council no matter how absurd the City Council may feel it is. After other discussion, Mr. Jordan MOVED THAT THE REQUEST FOR WAIVER OF THE TWO-YEAR WAITING PERIOD ON REZONING Z-72-82 BE REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE. His motion was seconded by Ms. Babb and put to a vote with results as follows: ayes - York, Walters, Babb, Calloway, Jordan; noes - Keller, Edwards, Upchurch. THE MAYOR RULED THE MOTION ADOPTED.

REZONING Z-11-83 - SHORES OF LAKE LYNN - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 5.7 acres from Residential-4 to Conservation Buffer. Chairman Graham presented CR-1929 in which the Planning Commission RECOMMENDS THAT THE REZONING APPLICATION AS PRESENTED BE APPROVED. Mr. Edwards indicated at the public hearing, he apparently misunderstood some of the presentation as it relates to ownership. He indicated as he understands it, the R-4 tract of land is actually that part that is under water at flood stages. He explained he was concerned about the Conservation Buffer and the steep slopes. He indicated there will be site plan approval and he feels that the steep slopes can be protected as he feels the staff will make sure that the steep slopes and highly erodible soil areas are protected, therefore, he would move that the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 55 ZC 113.

REZONING Z-12-83 - CREEDMOOR ROAD - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to rezone approximately four acres from Residential-10 to Office and Institution-II. Chairman Graham presented CR-1830 in which the Planning Commission recommends that this application be denied without prejudice. Mr. Keller indicated he had an indication from the owners that they would like to consider modification of this request so, therefore, he would MOVE THAT REZONING APPLICATION Z-12-83 BE REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

COMMITTEES, COMMISSIONS AND BOARDS

HUMAN RESOURCES AND RELATIONS ADVISORY COMMITTEE - GROVER D. BLAND; NOMINATIONS MADE

The City Clerk reported the term of Margaret Adams expires February 6, 1983. Grover D. Bland has been nominated for reappointment and nominations have not been closed. There being no further nominations, Mr. Calloway MOVED THAT NOMINATIONS TO THE HUMAN RESOURCES AND RELATIONS ADVISORY COMMITTEE BE CLOSED AND THAT GROVER BLAND BE APPOINTED BY ACCLAMATION. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The City Clerk reported the term of Norman C. Camp, III, expires March 17, 1983, and this is the first announcement. He is eligible for reappointment according to Council procedure. His attendance record has not been good during the past year due to a conflict in his schedule, however, it has been reported by the Chairman that Mr. Camp has resolved that conflict and would like to be reappointed. The City Clerk indicated she has also received a letter of resignation from David Williams, who indicated due to recent changes in his business and increasing demands on his time, he felt it necessary to resign. Therefore, there are two vacancies and no nominations. Mr. Calloway nominated Norman C. Camp. Mr. Walters nominated Frank Brooks, 1312 Hendren Circle. No other action was taken.

GREENWAY COMMISSION - APPOINTMENTS MADE; YOUTH COUNCIL REPRESENTATIVE - OPEN

The City Clerk reported the terms of Stanley Williams and Phil Hinton expire February 17, 1983. Both have been nominated for reappointment. Also nominated is Ted Dossett. Nominations have not been closed. The City Clerk indicated she has received a resignation from Dot Bass citing personal commitments and work out of town as her reason for resigning. No nominations have been made. Mr. Walters indicated since we have three nominees that were nominated prior to this meeting and three vacancies, he would MOVE THAT NOMINATIONS TO THE GREENWAY COMMISSION BE CLOSED AND THE THREE NOMINEES APPOINTED BY ACCLAMATION. His motion was seconded by Mr. Edwards and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The City Clerk reported the term of the Youth Council Representative - Lynn Jacobs expires on February 17. She indicated she had hoped to have a report from the Youth Council for a recommendation for Ms. Jacobs' replacement but because of exams, they have not had an opportunity to meet and make a recommendation.

APPEARANCE COMMISSION - CATHY REIGER APPOINTED; NOMINATION MADE

The City Clerk reported one vacancy due to the resignation of Sam Reynolds. Nominations include Cathy Reiger. Nominations have not been closed. There being no further nominations, Mr. Edwards MOVED THAT NOMINATIONS TO THE APPEARANCE COMMISSION BE CLOSED AND CATHY REIGER APPOINTED BY ACCLAMATION. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

The City Clerk indicated the term of Betsy Bradshaw expires February 17, 1983, and she is eligible for reappointment and her attendance record has been good. No nominations have been made. Mr. Edwards nominated Betsy Bradshaw.

MR. UPCHURCH EXCUSED FROM THE MEETING TO ATTEND MEETING OF THE WAKE DELEGATION.

Mr. Upchurch indicated he had to leave the meeting to take the resolution relating to the Swift Creek Township item to the General Assembly. He stated he would be back as soon as possible and he would request that the City Council hold action on TC-221 which is coming out of the Law and Finance Committee until his return. WITHOUT OBJECTION, IT WAS AGREED THAT NO ACTION WOULD BE TAKEN ON TC-221 UNTIL MR. UPCHURCH COULD RETURN TO THE MEETING.

ELECTRICAL EXAMINING BOARD - APPOINTMENTS MADE

The City Clerk reported the terms of R.E. Wimberly and Mickey Stout, both contractors, expire on February 17, 1983. Both are eligible for reappointment and their attendance record is good. The person working with the Electrical Examining Board has recommended their reappointment if Council so desires. No nominations have been made. Mr. Edwards nominated Mickey Stout. Mr. Calloway nominated Mr. Wimberly. Mr. Edwards indicated since this is a technical type board that Administration makes recommendations on, he would MOVE THAT NOMINATIONS TO THE ELECTRICAL EXAMINING BOARD BE CLOSED AND MR. STOUT AND WIMBERLY REAPPOINTED BY ACCLAMATION. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

FAIR HOUSING HEARING BOARD - NOMINATIONS MADE

The City Clerk reported the terms of Margaret Winter and Jack Andrews expire March 17, 1983. Neither are eligible for reappointment because of length of service. The term of Frank Roberts expires on March 17, 1983. He is eligible for reappointment and no nominations have been made. Mr. Calloway nominated Frank Roberts. No further action was taken.

YOUTH COUNCIL ADVISORY BOARD - RESIGNATION ACCEPTED

The City Clerk reported she had received a letter of resignation from Steve Rea from the Youth Council Advisory Board effective January 7, 1983. Mr. Rea is resigning as he is being transferred out of town. No nominations were made.

HISTORIC PROPERTIES AND HISTORIC DISTRICTS COMMISSION - CALVIN R. PARKS, JR., TO SERVE UNTIL JUNE 30, 1983

The City Clerk reported the term of Calvin R. Parks, Jr., expires on the Historic Properties and Historic Districts Commission on January 20, 1983. According to the past direction of the Council, it is suggested that Mr. Parks' term be extended until June 30, 1983, as this is the last off cycle term and would get the complete Commission on a fiscal year basis. Mr. Walters MOVED THAT THE TERM OF CALVIN R. PARKS, JR., ON THE HISTORIC PROPERTIES AND HISTORIC DISTRICTS COMMISSION BE EXTENDED UNTIL JUNE 30, 1983. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

FIREMEN'S RELIEF FUND - BOARD OF TRUSTEES - NOMINATIONS MADE

The City Clerk indicated the term of Chief R.E. Keith expires on February 3, 1983. She explained this is a five member board, two of which are appointed by the City Council, two appointed by the local Fire Department, and one by the Insurance Commissioner. She stated according to General Statutes, the Chief of the local Fire Department would become an ex officio nonvoting member if not appointed or elected by any of these bodies. She explained during the December 21, 1982, Council Meeting, this item was placed on the pending list until such time as the new Fire Chief is appointed. She stated Tom Kuster has been appointed Chief effective February 1, 1983. Mr. Walters indicated he had discussed this with the City Clerk and with the City Attorney's Office and there is no reason why Rufus Keith cannot be appointed by the City Council to continue as a voting member. He indicated he would nominate Chief R.E. Keith to be one of the City's appointees to be effective February 4, 1983. Mr. Jordan indicated he has a little problem with this as in the past, the City Council has always appointed the Fire Chief as one of its delegates. He questioned what we would be saying to our new Fire Chief. Mr. Walters indicated if he were the new Fire Chief, it would be his desire to have someone who is familiar with the workings of the Board of Trustees to continue as the voting member. He stated the

new Chief, if not appointed or elected by anyone, would be an ex efficio member and there is nowhere that says the Chief has to be appointed. After brief discussion, Mr. Jordan nominated Tom Kuster. No further action was taken.

MAYOR'S COMMITTEE ON SERVICES TO THE HANDICAPPED - TO BE EXEMPT FROM LENGTH OF SERVICE REQUIREMENT - REAPPOINTMENTS MADE

The City Clerk reported the following terms expire March 17, 1983: John C. Brooks, Ben Eason, Mrs. Harold High and Ted Kershaw. All are eligible for reappointment. The following terms also expire on March 17, 1983, but according to Council policy on length of service, they would not be eligible for reappointment: Theresa Joan Rosenberg, Van Ruffner, Rachael Brown, Earl L. Jennings, Jr., and Edward T. Smith. The City Clerk indicated since this Committee is appointed a little differently than the other committees, commissions and boards of the Council, she was not sure whether the length of service requirement applies to this Board. Mayor York indicated he had talked with Bob Carter, Chairman of the Mayor's Committee about this and he would like to keep these people on as they are very active participants. He stated the Mayor's Committee has been very active and was named outstanding Mayor's Committee in North Carolina. He stated if possible, he would like to see the people continue to serve. Mr. Walters indicated anybody could serve as an advisory member and he hates to see us do something against their policy. It was pointed out that this Board is appointed differently than other committees, commissions and boards of the Council. Mr. Jordan MOVED THAT THE CITY COUNCIL MAKE AN EXCEPTION IN THE LENGTH OF SERVICE POLICY IN THE CASE OF THE MAYOR'S COMMITTEE ON SERVICES TO THE HANDICAPPED AND THAT ALL PERSONS WHOSE TERMS ARE EXPIRING BE REAPPOINTED TO CONTINUE THEIR SERVICE. His motion was seconded by Ms. Babb. Mr. Walters indicated he had no objections to the people on the Board as they have worked very hard but if we do it for one, we would be setting precedent for others. Mr. Edwards indicated he would support the motion as long as everyone understands that we are making an exception for this particular Committee as it has a different structure and appointment procedure than any other committee the Council appoints. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

RECREATIONAL FEES - INCREASE - AUTHORIZED

Chairman Jordan reported the Law and Finance Committee RECOMMENDS THAT THE PARKS AND RECREATION ADVISORY BOARD AND THE PARKS AND RECREATION DEPARTMENT'S RECOMMENDATION ON THE FEE INCREASE, AS WELL AS ADMINISTRATION'S RECOMMENDATION ON FEE INCREASES AT LAKE WHEELER, BE ADOPTED AS INCLUDED IN THE AGENDA PACKET DATED JANUARY 12, 1983. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

WATER BILL - 7905 HARDWICK DRIVE - ADDITIONAL ADJUSTMENT DENIED

Chairman Jordan reported the Law and Finance Committee, by split vote, recommends an additional adjustment of $95.60 on the excessive water bill at 7905 Hardwick Drive. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway. Mr. Keller indicated he was the split vote in the Committee. He indicated the citizen's main point was not to get additional relief as she had already been relieved of $56.00. He indicated she wanted to see if the City could improve the method of telling citizens if an excessive amount showed up when the meter was read. He indicated she had stated there was approximately one month's lapse from the time the meter was read until she received her bill and if she had known about the leak earlier, it would have saved her and the City money. He indicated to grant this additional adjustment would be going against the City's policy. Mr. Jordan indicated he understood Mr. Keller's point but pointed out in this particular case, one of the bills was estimated and the estimate was generated by a phone call to the City and the adjustment given to the citizen did not reflect actual meter readings. Mr. Edwards indicated he would have to vote against any additional adjustment pointing out the water escaped between the meter and the house, therefore, he feels the property owner should pay. He indicated the property owner has been relieved of the sewage charge and he feels we have to stick with our policy. Mr. Walters indicated he agreed with the policy pointing out if we have a policy, we should stick to it but he would be glad for anybody to discuss changing the policy. The motion as stated was put to a vote with results as follows: ayes - Calloway, Jordan, York and Babb; noes - Edwards, Keller and Walters. The Mayor ruled the motion defeated and indicated there would be no further relief on the water bill. Mr. Jordan indicated he would ask the Council to read the minutes of the Law and Finance Committee on this item pointing out the City only adjusted for a two month period and the bill was estimated during one of these months, thereby throwing the actual reading and the refund out of line. No further action was taken.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

DRAINAGE PROBLEM - 1401 LORIMER ROAD - REPORTED OUT WITH NO ACTION TAKEN

Chairman Edwards reported the Public Works Committee RECOMMENDS THAT THIS ITEM BE REPORTED OUT WITH NO ACTION TAKEN AS THE PROPERTY OWNERS HAVE BEEN ADVISED THAT A PETITION WOULD BE REQUIRED UNDER THE CITY'S PIPING POLICY. On behalf of the Committee, he moved the recommendation be upheld which was seconded by Ms. Babb and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

GENERAL DEVELOPMENT STUDY - ADMINISTRATION TO NEGOTIATE CONTRACT WITH THE PUBLIC ADMINISTRATION SERVICES

Chairman Edwards reported the Public Works Committee RECOMMENDS THAT THE CITY COUNCIL RETAIN THE FIRM OF PUBLIC ADMINISTRATION SERVICES SUBJECT TO AN ACCEPTABLE AGREEMENT BEING DEVELOPED BY ADMINISTRATION AND SUBMITTED TO THE COUNCIL FOR APPROVAL. He pointed out if negotiations with the first priority are not successful, the Committee recommends that Administration negotiate with the second priority firm, Cresap, McCormick and Paget. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PLAN APPROVAL - 2808 HILLSBOROUGH STREET - APPROVED AS AMENDED

Chairman Edwards reported the Public Works Committee RECOMMENDS APPROVAL OF THE PLAN WITH CHANGES AS RECOMMENDED AT THE COMMITTEE MEETING, WHICH INCLUDES WIDENING THE ENTRANCE TO THE PARKING LOT FROM 12 FEET TO 16 FEET (THIS REDUCES THE SIZE OF THE BUILDING) AND WIDENING THE 8 PARKING SPACES TO 10 FEET IN WIDTH. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

SEWER SERVICE - PROPERTY ON GLENWOOD AVENUE AT WASHINGTON STREET - INFILL POLICY ADOPTED; AGREEMENT TO PROVIDE FOR THE SITE ON GLENWOOD AVENUE - AUTHORIZED

Chairman Edwards indicated Council Members WILL FIND INCLUDED IN THEIR AGENDA PACKET A PROPOSED INFILL POLICY RELATING TO SANITARY SEWER WHICH IS RECOMMENDED FOR APPROVAL AND THE COMMITTEE FURTHER RECOMMENDS AUTHORIZING THE EXECUTION OF AN AGREEMENT TO PROVIDE FOR THE SITE ON GLENWOOD AVENUE AT WASHINGTON STREET TO BE SERVED UNDER THIS POLICY. On behalf of the Committee, Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

DAVIE LANE - OWNERSHIP QUESTION REMOVED FROM THE AGENDA; LENOIR STREET DITCH PROBLEM - RETAINED IN COMMITTEE

Chairman Edwards reported the Public Works Committee RECOMMENDS REMOVAL OF THE DAVIE LANE PORTION OF THIS ITEM FROM THE AGENDA AS THE PROPERTY OWNERS WERE ADVISED A PETITION TO CLOSE THE STREET SHOULD BE SUBMITTED TO THE COUNCIL AND A PUBLIC HEARING PROCESS WOULD BE NECESSARY. HE INDICATED THE COMMITTEE IS HOLDING THE ITEM RELATING TO THE DITCH IN COMMITTEE FOR FURTHER STUDY. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb.

Mr. Walters indicated he had been contacted by Mr. Whitley and Mr. Scott who indicated they did not know when this item was going to be discussed. Mr. Edwards indicated Mr. Whitley was at the meeting. He indicated Davie Lane is partially open and it serves two houses and he does not feel that there is any public interest in access through this alleyway. Mr. Walters indicated the alleyway goes all the way back to the school and the people are concerned with undesirables in the alleyway with Mr. Edwards pointing out the alleyway does not go to the school. Mr. Walters stated if we could put a fence up so that undesirables couldn't get in, it would help the situation. He stated to just remove it from the Agenda with no action taken, in his opinion, is not satisfactory as the property owners do not understand. Mr. Calloway indicated the Public Works Committee made an on-site inspection and discussed this at a meeting. He stated he feels the motion as stated will clear it up. The motion was put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE ANNEXATION COMMITTEE

SUBDIVISION S-133-82 - THORPSHIRE FARM - APPROVED WITH CONDITIONS; ADMINISTRATION TO CONDUCT INDEPTH STUDY IN THE PERRY CREEK BASIN

Chairman Jordan reported the Annexation Committee RECOMMENDS THAT SUBDIVISION S-133-82 BE APPROVED ACCORDING TO MAP ENTITLED, "THORPSHIRE FARM, PLANNED UNIT DEVELOPMENT," THE PROPERTY OF JOE H. HOLMES, DRAWN BY JOHN A. EDWARDS AND COMPANY, DATED SEPTEMBER 27, 1982, WITH THE FOLLOWING CONDITIONS:

(a) Developer will install the pump station and dedicate it to the City.

(b) Developer will install the force main from the pump station to a point on the gravity system where an engineering analysis by the developer would indicate to be the most appropriate location and with the location being approved by the City.

(c) Developer will petition for annexation as property develops.

(d) Developer will pay utility acreage fees as the property is developed but would not be eligible for any sanitary sewer reimbursements.

(e) Developer will pay a system development fee for each dwelling unit which will be determined later by the City and would be used to aid in development of the sewer system to ultimately serve the basin.

(f) The City may add a user surcharge to aid in the capital cost associated with the ultimate service of sanitary sewer in this area.

(g) Developer will install a 12 inch water line in Litchford Road from Falls of Neuse Road to the south side of the property to aid in fire flow and circulation, with this line being installed by the time the property is 50 percent developed.

(h) Developer will agree to escalate construction of the water lines in the subdivision, if needed, to serve other properties on Litchford Road.

(i) That the legal documents for the non-profit Homeowners Association to be reviewed and approved by the City Attorney's Office prior to recording the final plat.

(j) That the legal documents contain a statement that all improvements located in the proposed outer Beltline right-of-way be removed without cost to governmental purchaser and that said right-of-way be sold as if it were vacant land without any regard to improvements located in the right-of-way.

Mr. Jordan indicated the Annexation Committee also RECOMMENDS THAT ADMINISTRATION PROCEED WITH AN INDEPTH STUDY OF THE FEASIBILITY FOR PROPERTY DEVELOPMENT AND THE PROVISION OF UTILITIES FOR THE PERRY CREEK BASIN SO THAT THE CITY CAN HAVE A PLAN FOR ADDRESSING FUTURE DEVELOPMENT PROPOSALS OF THE PERRY CREEK DRAINAGE BASIN. On behalf of the Committee, Mr. Jordan moved that both recommendations as outlined be upheld. His motion was seconded by Mr. Calloway. Mr. Edwards REQUESTED THAT HE BE EXCUSED FROM PARTICIPATION IN THIS MATTER. Without objection, Mr. Edwards was excused. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Edwards who was excused from participation. THE MAYOR RULED THE MOTION ADOPTED.

ANNEXATION - POSSIBLE CHANGES IN STATE LAW - ADMINISTRATION'S COMMENTS TO BE SENT TO WAKE DELEGATION; MEETING TO BE SET UP

Mr. Jordan indicated the Annexation Committee discussed the proposed changes or modifications that have been suggested by a special committee established by the General Assembly relating to annexation. He presented Council Members with the proposed modifications and Administration's comments on these modifications. Mr. Jordan indicated many of the recommendations have no real affect on the City. It just slows down the process. He stated, however, there are several recommendations relating to notification by certified mail that would place a physical and financial burden on the City. He indicated in addition, there are recommendations relating to rural fire departments and while they would not create a problem for the City of Raleigh, they could create problems in other areas. Mr. Jordan indicated he would SUGGEST THAT THE CITY COUNCIL BE LED BY THE MAYOR AND THAT WE SET UP A MEETING WITH THE WAKE DELEGATION FOR THE FULL COUNCIL TO ATTEND TO GO OVER THESE THINGS AND THESE RECOMMENDATIONS AND THE CITY'S RESPONSE AND THAT THE CITY'S RESPONSE BE SENT TO THE DELEGATION PRIOR TO THE MEETING TO GIVE THEM OPPORTUNITY TO STUDY. Mayor York indicated he felt that was a good suggestion to meet with the Delegation. Mr. Jordan indicated he feels that we should write a letter requesting the meeting at the earliest possible date when everyone can go and MOVE THAT A MEETING WITH THE WAKE DELEGATION BE SET UP AS SOON AS POSSIBLE AND THAT ADMINISTRATION FORWARD THIS INFORMATION TO THE WAKE DELEGATION AND TELL THEM THE CITY COUNCIL WOULD LIKE TO REVIEW THE CHANGES IN A MEETING. His motion was seconded by Ms. Babb. Mayor York indicated possibly it would be good to set up a breakfast meeting like we have had at the Civic Center in the past. Ms. Babb indicated the League is working on this and that maybe this information could be forwarded to them. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ANNEXATION PROGRAM - 1983 - RESOLUTIONS OF INTENT TO ANNEX ADOPTED

Chairman Jordan reported the Annexation Committee RECOMMENDS THAT THE SCHEDULE INCLUDED IN THE AGENDA PACKET BE ADOPTED FOR THE ANNEXATION AREAS KNOWN AS NORTH BOULEVARD CENTRE, SHIRES APARTMENTS, TOWER SHOPPING CENTER, AND U.S. 70 WEST POINTING OUT THIS SCHEDULE INCLUDES THE COUNCIL ADOPTING A RESOLUTION OF INTENT TO ANNEX THESE PROPERTIES AT THIS MEETING WHICH WOULD SET MARCH 15, 1983, AS THE PUBLIC HEARING DATE. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway. Assistant Planning Director Breazeale explained the locations, cost of service, projected tax base, projected annual operating and capital cost of the annexation of all four areas.

Mr. Walters indicated that he is pleased with this report but has mixed emotions and he is disappointed that we are not going to take in the residential areas in Foxcroft, Starmount, etc., area. He stated it is viable residential area and by not including this residential area with the annexation of Tower Shopping Center, we are going to make it economically infeasible to ever bring that area into the City. He stated he feels we have an obligation to take care of the residential area on the fringes of our City. Discussion took place on this residential area, as well as the Hidden Valley area, and the needs and the desires to annex these areas, however, the problems in annexing them were also discussed. Mayor York indicated our Comprehensive Plan does have a timetable for taking these residential areas on the fringe of the City in. He stated the City knows that it is going to be very expensive and there has even been some discussion about having a bond issue. He stated before these areas are taken in, we need to develop a financial plan to raise money to pay for the improvements that will be necessary. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 143

A RESOLUTION STATING THE INTENT OF THE CITY OF RALEIGH, NORTH CAROLINA, TO CONSIDER ANNEXATION OF THE AREA DESCRIBED HEREIN, AND FIXING THE DATE OF A PUBLIC HEARING ON THE QUESTION OF ANNEXATION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That it is the intent of the City Council of the City of Raleigh to consider annexation of the following described territories pursuant to Part 3, Article 4A of Chapter 160A of the General Statutes of North Carolina:

NORTH BOULEVARD CENTRE

Beginning at a point in the existing Raleigh City Limits (January 1, 1983), said point also being in the centerline of Marsh Creek and the southern right-of-way of Whitehall Avenue (S.R. 2079) according to Ordinance (1973) 373 on file in the Raleigh City Clerk's Office; thence leaving said City Limits in a northerly direction following the centerline of Marsh Creek 1480 feet ± to a point in the northern right-of-way of Millbrook Road (S.R. 2108); thence easterly with the northern right-of-way of Millbrook Road 445 feet ± to the southwestern corner of Parcel K-12 as shown on the map recorded in Book of Maps 1979, Page 973 of the Wake County Registry; thence with the western property lines of Parcels K-12 and A-13 as shown on said recorded map the following courses and distances: North 04° 47' 26" East 379.47 feet ±, North 04° 43' 42" East 299.39 feet ±, North 63° 16' 16" West 41.95 feet ±, North 00° 53' 55" East 255.33 feet ± to the northwestern corner of Parcel A-13 as shown on said recorded map, said point also being the southwestern corner of Parcel 14 as shown on the map recorded in Book of Maps 1977, Page 78 of the Wake County Registry; thence with the western property lines of Parcels 14, 15 and 16 as shown on said recorded map North 00° 55' 30" East 996.58 feet ± to the southwestern corner of Parcel 17 as shown on said recorded map, said point also being shown on a later map found in Wake County Registry Book 2972, Page 28 as Exhibit A-1 for the deed beginning on Page 25 of said Registry Book; thence with the western property line of Parcel 17 as shown on said Exhibit A-1 North 00° 55' 30" East 486.43 feet ± to the northwestern corner of said Parcel 17 as shown on said Exhibit A-1, said point also being in the centerline of a 100-foot right-of-way of Carolina Power and Light Company (also shown on said Exhibit A-1); thence northwesterly with the centerline of said right-of-way 580 feet ± to its point of intersection with the eastern right-of-way line of Seaboard Coast Line Railroad Company, said point being the southwest corner of a tract of land conveyed to North Boulevard Industrial Park by T. W. Brand et al by deed dated June 7, 1972, recorded in Book 2078, Page 181 of the Wake County Registry; thence with the eastern right-of-way line of Seaboard Coast Line Railroad Company according to the description (Exhibit A) for the recorded deed beginning in Book 2719, Page 878 of the Wake County Registry the following calls: northeasterly along an 11,394.156-foot radius curve to the right 294.29 feet ± (chord bearing North 32° 19' 35" East and a length of 294.28 feet ±), North 33° 04' East 127.13 feet ±, North 29° 25' East 1,039.15 feet ± to a point in the southern right-of-way of Spring Forest Road (S.R. 2041); thence continuing northeasterly with said eastern right-of-way of Seaboard Coast Line Railroad Company 92 feet ± to its point of intersection with the northern right-of-way of Spring Forest Road, said point also being the westernmost corner of the Parcel shown in Book of Maps 1979, Page 677 of the Wake County Registry; thence northeasterly with said eastern right-of-way of Seaboard Coast Line Railroad Company along a 2929.789-foot radius curve to the left 90.85 feet ± (chord bearing North 18° 58' East) to the northwesternmost corner of said Parcel, said point having North Carolina grid coordinates Y = 768,132.39 and x = 2,119,357.05 (Deed Reference Book 2877, Page 578, Wake County Registry); thence continuing northeasterly with said Railroad right-of-way and with said radius curve 109.15 feet ± to a new iron pipe according to said deed reference; thence South 58° 58' 59" East 198.57 feet ± to a new iron pipe according to said deed reference, said point also being in the northern property line of the Parcel shown in Book of Maps 1979, Page 677 of the Wake County Registry; thence North 89° 31' 45" East with the northern line of said Parcel 775.73 feet ± to the northeastern corner of said Parcel, said point also being the southeastern corner of Parcel 1 as shown and recorded in Book of Maps 1981, Page 49 in the Wake County Registry; thence South 03° 34' 25" West with the western line of Parcel 2 as shown on said recorded map 341.27 feet ± to the northernmost corner of Parcel 3 as shown on said recorded map; thence with the northeastern line of said Parcel 3 South 37° 51' 50" East 348.72 feet ± to a point, said point also being in the western right-of-way of Departure Drive as shown on a map recorded in Book of Maps 1981, Page 964 of the Wake County Registry; thence northeasterly with the western right-of-way of Departure Drive along a 705.00-foot radius curve to the left 353.33 feet ± to the end line of said right-of-way according to said recorded map; thence South 75° 29' 34" East with the end line of Departure Drive and the northern line of Parcel 17 as shown on said recorded map 771.18 feet ± to the northeastern corner of said Parcel 17 as shown on said recorded map; thence with the eastern line of said Parcel 17 South 14° 30' 26" West 425.47 feet ± to the southeast corner of said Parcel 17 (Book of Maps 1981, Page 49), said point also being in the northern line of Parcel 27 of North Boulevard Industrial Park Section II, Part I as shown on a map recorded in Book of Maps 1979, Page 197 of the Wake County Registry; thence with the northern line of said Section II, Part I as shown on said recorded map and Section II, Part II of North Boulevard Industrial Park as shown on a map recorded in Book of Maps 1975, Page 343 of the Wake

County Registry the following courses and distances: North 89° 28' 30" East 200.25 feet ±, North 89° 22' East 144.64 feet ±, North 89° 29' 30" East 305.09 feet ±, North 89° 31' East 299.87 feet ±, North 89° 32' 30" East 922.45 feet ± to the northeastern corner of Parcel 34 as shown on said recorded map; thence with the eastern line of said Parcel 34 South 01° 10' West 488.17 feet ± to the southwestern corner of Parcel 39 as shown on said recorded map; thence with the southern line of said Parcel 39 South 88° 50' 00" East 760.63 feet ± to the southeastern corner of said Parcel 39, said point further identified on a map recorded in Book of Maps 1980, Page 112 as having North Carolina Grid Coordinates Y = 766,755.15 and x = 2,123,920.03; thence easterly across U.S. Highway 1 a distance of 203 feet ± to the northwestern corner of Parcel 26 as shown on said recorded map, said point further identified as having North Carolina Grid Coordinates Y = 766,795.90 and x = 2,124,119.79; thence with the northern line of said Parcel 26 North 84° 43' 23" East 200.00 feet ± to the northeastern corner of said Parcel 26; thence with the eastern lines of said Parcel 26 and Parcel 25 as shown on said recorded map South 05° 16' 37" East 390.06 feet ± to the northern right-of-way of Spring Forest Road (S.R. 2041); thence easterly with the northern right-of-way of Spring Forest Road 2350 feet ± to its point of intersection with eastern property line extended of Parcel 2 as shown on the map recorded in Book of Maps 1972, Page 447 of the Wake County Registry; thence the eastern and southern boundaries of said Parcel 2 the following courses and distances: South 25° 57' 45" East 1582.84 feet ±, South 64° 02' 15" West 160.00 feet ±, South 25° 57' 45" East 140.00 feet ±, North 86° 27' 30" West 184.35 feet ± to a point in the southern line of said Parcel 2, said point also being the northeastern corner of Parcel 3 as shown on the map recorded in Book of Maps 1972, Page 117 of the Wake County Registry; thence South 00° 32' 45" West 815.70 feet ± with the eastern line of said Parcel 3 to a common corner between said Parcel 3 and property now or formerly held by Madonna Acres, Incorporated, said point also being in the northern line of the Courtney Square Apartments (now or formerly property of Wedco, Incorporated) as shown on a map recorded in Book of Maps 1979, Page 27 of the Wake County Registry; thence North 86° 02' 45" East 572.54 feet ± along the northern line of said Wedco Property to the northeastern corner of said Wedco Property, said point also being in the southern line of said Madonna Acres Property; thence continuing westerly with the southern line of said Madonna Acres Property 115 feet ± to a point, said point also being the northeastern corner of property owned by North Boulevard Industrial Park (now or formerly) and said Parcel also being the southern portion of Parcel 6, Wake County Tax Map 410 which fronts on U.S. Highway 401 (January 1, 1983); thence southeasterly with an eastern line of said Parcel 6 a distance of 320 feet ± to an inside corner of said Parcel 6; thence southeasterly with an eastern line extended of said Parcel 6 a distance of 1220 feet ± to a point in the southeastern right-of-way of U.S. Highway 401; thence southwesterly with said right-of-way and the eastern right-of-way of U.S. Highway 1 a distance of 4850 feet ± to the northern right-of-way extended of New Hope Church Road (S.R. 2034), said point also being in said existing City Limits; thence 11,863.68 feet ± with said existing City Limits as described in the following annexation ordinances as filed in the Raleigh City Clerk's Office: U.S. 1 North (1975-737), Lake Ridge Villa (1973-455), Northshore (1970-940), Shamrock Drive (1975-736) and North Boulevard Residential Park (1973-373) to the point of Beginning.

Section 2. That a public hearing on the question of annexing the above described territories will be held in the Council Chamber, Room 315 of the Municipal Building, Raleigh, N.C., at 7:00 p.m., or as soon thereafter as the matter can be reached, on March 15, 1983.

Adopted: 1/18/83

RESOLUTION NO. (1983) 144

A RESOLUTION STATING THE INTENT OF THE CITY OF RALEIGH, NORTH CAROLINA, TO CONSIDER ANNEXATION OF THE AREA DESCRIBED HEREIN, AND FIXING THE DATE OF A PUBLIC HEARING ON THE QUESTION OF ANNEXATION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That it is the intent of the City Council of the City of Raleigh to consider annexation of the following described territories pursuant to Part 3, Article 4A of the General Statutes of North Carolina:

ANNEXATION DESCRIPTION:
U.S. 70 WEST - DURALEIGH

Beginning at a point in the existing Raleigh City Limits (January 1, 1983), said point also being in the western property line of Lot 268, Wake County Tax Map 377 (now or formerly property of Centennial Homes) and the southern right-of-way of Deep Hollow Drive as shown on the map recorded for Tri-City Builders, Inc., in Book of Maps 1975, Volume II, Page 214 at the Wake County Registry; runs thence westerly along the southern right-of-way of Deep Hollow Drive and its extension across Duraleigh Road (S.R. 1664) 650 feet ± to a point in the western right-of-way of Duraleigh Road; thence northerly along the western right-of-way of Duraleigh Road and its extension across U.S. 70 West 3850 feet ± to a point in the northern right-of-way of U.S. 70 West; thence southeasterly with said northern right-of-way of U.S. 70 West 1380 feet ± to the intersection of the west property line of Lot 6, Wake County Tax Map 377 and said northern right-of-way of U.S. 70 West, said point also being in said existing City Limits; thence with said City Limits southerly along the west property

line extended of said Lot 6 across U.S. 70 West 230 feet ± to the intersection of the west property line extended of said Lot 6 and the southern right-of-way of U.S. 70 West; thence southeasterly with the southern right-of-way of U.S. 70 West and said existing City Limits 630 feet ± to the intersection of said right-of-way and a northwestern property line of Lot 91, Wake County Tax Map 377; thence southwesterly with said northwestern property line and said existing City Limits 40 feet ± to a northwestern corner of said Lot 91; thence southerly along a western property line of said Lot 91 1,110 feet ± to the southwest corner of said Lot 91, said point also being in the northern line of Lot 221, Wake County Tax Map 377; thence westerly 330 feet ± along the northern line of said Lot 221 to the northwestern corner of said Lot 221, said point also being the northernmost corner of Lot 28, Wake County Tax Map 377; thence along the common boundary of said Lots 221 and 38 the following courses and distances: Southerly 496 feet ±, easterly 50 feet ±, southerly 242 feet ± to the southeastern corner of Lot 38, said point also being a corner of Lot 268 Wake County Tax Map 377; thence westerly 500 feet ± along the northern line of said Lot 268 to the northwest corner of said Lot 268; thence southerly 268 feet ± along the western property line of said Lot 268 across Deep Hollow Drive to the point of beginning.

For further reference, see the following annexation ordinances on file in the Raleigh City Clerk's Office: Glenwood, Oak Park (1976-84) and New Brookhaven, Pickwick Village (1980-369).

Section 2. That a public hearing on the question of annexing the above described territories will be held in the Council Chamber, Room 315 of the Municipal Building, Raleigh, N.C. at 7:00 p.m., or as soon thereafter as the matter can be reached, on March 15, 1983.

Adopted: 1/18/83

RESOLUTION NO. (1983) 145

A RESOLUTION STATING THE INTENT OF THE CITY OF RALEIGH, NORTH CAROLINA, TO CONSIDER ANNEXATION OF THE AREA DESCRIBED HEREIN, AND FIXING THE DATE OF A PUBLIC HEARING ON THE QUESTION OF ANNEXATION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That it is the intent of the City Council of the City of Raleigh to consider annexation of the following described territories pursuant to Part 3, Article 4A of the General Statutes of North Carolina:

ANNEXATION DESCRIPTION
TOWER COMMERCIAL CENTER

Beginning at a point in the southeastern right-of-way of U.S. Highway 64 East, said point also being in the centerline of Crabtree Creek and the existing (January 1, 1983) Raleigh City Limits; runs thence northwesterly with said existing City Limits and the centerline of Crabtree Creek 144 feet ± to its intersection with the northwestern right-of-way of U.S. Highway 64 East; thence with said existing City Limits and U.S. 64 East and Yonkers Road rights-of-way, the following courses and distances: North 25° 20' East 237 feet ±, North 75° 11' West 20.42 feet ±, North 25° 28' East 149.94 feet ±, on a 1091.80-foot radius curve to the right with a cord running North 30° 24' East 187.77 feet ±, North 9° 25' West 138.49 feet ±, North 50° 28' East 391.29 feet ±, on a 129.15-foot radius curve to the left with a cord running North 18° 49' East 135.54 feet ±, North 12° 50' West 493.24 feet ±, on a 851.47-foot radius curve to the left with a cord running North 29° 20' West 483.66 feet ±, North 45° 50' West 461.98 feet ±, North 45° 38' West 1227.40 feet ± to the point of intersection between the southwestern right-of-way of Yonkers Road and the centerline of Marsh Creek; thence northerly with the centerline of Marsh Creek 500 feet ± to its intersection with the northeastern right-of-way of the Raleigh Beltline (U.S. 64 East Bypass); thence with the northeastern right-of-way of said Raleigh Beltline South 44° 08' 41" East 70 feet ± to the western corner of the property of Terminal Communications, Inc., according to the map recorded in Book of Maps 1970, Page 75 of the Wake County Registry; thence North 44° 08' East with the northwestern property line of said property 400.80 feet ± to an existing iron pipe as shown on said recorded map; thence South 84° 03' 28" East with the northeast property line of said property 1479.30 feet ± to an existing iron pipe at the northeast corner of said property as shown on said recorded map; thence South 0° 05' West with the eastern property line of said property 340 feet ± to its intersection with the northern right-of-way of Lake Woodard Drive (S.R. 2279); thence with the northern right-of-way extended of Lake Woodard Drive the following courses and distances: North 81° 15' East 1060 feet ±, on a 2550.62-foot radius curve to the right 270 feet ±, South 83° 00' East 1020 feet ± to its intersection with the eastern right-of-way of Trawick Road (S.R. 2205); thence southwesterly with the eastern right-of-way of Trawick Road 1240 feet ± to the northwest corner of Lot 239 Wake County Tax Map 497; thence southerly 58.4 feet ± with the eastern right-of-way of Trawick Road to a western corner of said Lot 239; thence southerly with the eastern right-of-way of Trawick Road 179.02 feet ± to a southwest corner of said Lot 239; thence in the same southerly direction as the last call with the eastern right-of-way of Trawick Road extended across U.S. Highway 64, 200 feet ± to its intersection with the southern right-of-way of U.S. Highway 64; thence southwesterly with the southern right-of-way of U.S. Highway 64, 920 feet ± to its intersection with the Controlled Access Right-of-Way of the Raleigh Beltline as

shown on the Plan and Profile of Proposed State Highway Project Number 8.14906 Sheet 15 and designated as Station 156+00 P.O.T. U.S. 64; thence southwesterly across the Raleigh Beltline interchange 2060 feet ± to a point at the western end of the Controlled Access Right-of-Way of the Raleigh Beltline, said point designated as Station 135+00 P.O.C. U.S. 64, said point also being 114 feet from the centerline of the northern lane of U.S. 64 measured on a line normal to said centerline as shown on said plans for Project Number 8.14906 Sheet 14; thence southwesterly with the southeastern right-of-way of U.S. Highway 64, 460 feet ± to the point of beginning.

For further reference, see the following annexation ordinances as filed in the Raleigh City Clerk's Office: Ballentine Property (1968-671), Yonkers Road (1976-406), and Brentwood (1968-720).

Section 2. That a public hearing on the question of annexing the above described territories will be held in the Council Chamber, Room 315 of the Municipal Building, Raleigh, N.C., at 7:00 p.m., or as soon thereafter as the matter can be reached, on March 15, 1983.

Adopted: 1/18/83

RESOLUTION NO. (1983) 146

A RESOLUTION STATING THE INTENT OF THE CITY OF RALEIGH, NORTH CAROLINA, TO CONSIDER ANNEXATION OF THE AREA DESCRIBED HEREIN, AND FIXING THE DATE OF A PUBLIC HEARING ON THE QUESTION OF ANNEXATION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That it is the intent of the City Council of the City of Raleigh to consider annexation of the following described territories pursuant to Part 3, Article 4A of the General Statutes of North Carolina:

ANNEXATION DESCRIPTION
THE SHIRE APARTMENTS

Beginning at a point in the existing (January 1, 1983) Raleigh City Limits, said point also being in the centerline of Walnut Creek and the eastern property line of property dedicated to the City of Raleigh for Greenway on a map recorded in Book of Maps 1981, Page 167, at the Wake County Registry; runs thence leaving said existing City Limits with the eastern boundary of said Greenway and the subdivided property of Sol Kaplan (now or formerly) as shown on said recorded map the following courses and distances: South 1° 45' 30" West 354 feet ±; South 1° 37' 53" West 283.65 feet ±; South 1° 42' 10" West 1415.07 feet ±; South 12° 52' 04" East 411.18 feet ±; South 13° 14' 00" East 402.29 feet ±; North 88° 55' 37" West 1728.05 feet ± to a point in said existing City Limits, said point also being in the eastern right-of-way of Gorman Street; thence northerly with said existing City Limits and the eastern right-of-way of Gorman Street 2,409.32 feet ± to its intersection with the centerline of Walnut Creek; thence northeasterly with said existing City Limits and the centerline of Walnut Creek 1115 feet ± to the point of Beginning.

For further reference, see the following annexation ordinances on file in the Raleigh City Clerk's Office: Lake Johnson (1975-873) and Dixie Trail Extension (1979-267).

Section 2. That a public hearing on the question of annexing the above described territories will be held in the Council Chamber, Room 315 of the Municipal Building, Raleigh, N.C., at 7:00 p.m., or as soon thereafter as the matter can be reached, on March 15, 1983.

Adopted: 1/18/83

THE COUNCIL TOOK A TEN MINUTE BREAK AT 2:40 P.M.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

REZONING Z-61-82 - LAKE DAM ROAD/GORMAN STREET - HELD UNTIL MR. UPCHURCH RETURNS TO THE MEETING

Mr. Keller indicated since this rezoning application has a valid petition of opposition, he would REQUEST THAT DISCUSSION ON REZONING Z-61-82 BE HELD UNTIL MR. UPCHURCH RETURNS TO THE MEETING. Without objection, the item was held.

REZONING Z-58-82 - CROSS LINK ROAD - APPROVED - ORDINANCE ADOPTED

Chairman Calloway reported the Comprehensive Planning Committee RECOMMENDS THAT THIS PROPERTY, BEING PARCELS 78 AND 77, TAX MAP 632, BE REZONED FROM RESIDENTIAL-4 TO RESIDENTIAL-10. He indicated this covers approximately 9.3 acres. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 55 ZC 113.

METHODIST HOME PROPERTY - MASTER PARK PLAN AND POSSIBILITY OF PERMANENT FRISBEE GOLF COURSE - REMOVED FROM THE AGENDA

Chairman Calloway reported the Comprehensive Planning Committee RECOMMENDS THAT THESE ITEMS BE REPORTED OUT OF COMMITTEE WITH NO ACTION TAKEN AS THE COUNCIL HAS DIRECTED ADMINISTRATION TO SOLICIT PROPOSALS FOR PROFESSIONAL SERVICES FOR A MASTER PARK PLAN FOR THE METHODIST HOME PROPERTY AND THE INCLUSION OF A PERMANENT FRISBEE GOLF COURSE COULD BE CONSIDERED WHEN THE PLAN IS BEING DEVELOPED. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL COMMITTEE

None.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

MARKET PLAZA IMPROVEMENTS - PROFESSIONAL SERVICES - ADMINISTRATION AUTHORIZED TO NEGOTIATE CONTRACT

Mayor York indicated the Downtown Committee RECOMMENDS THAT ADMINISTRATION NEGOTIATE A CONTRACT WITH BELL DESIGN GROUP FOR PROFESSIONAL DESIGN OF IMPROVEMENTS TO MARKET PLAZA WITH THE UNDERSTANDING THE CONTRACT WILL COME BACK TO COUNCIL FOR FINAL APPROVAL AND FUNDING. Mr. Edwards moved the recommendation as outlined be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF RALEIGH TOMORROW TASK FORCE

RALEIGH TOMORROW TASK FORCE - PROGRESS REPORT RECEIVED

Chairperson Babb presented Council Members with a progress report on the Raleigh Tomorrow Task Force dated January 13, 1983. She commended the persons working on the Task Force indicating they have had some very good "roll up shirt sleeve sessions" and she is very pleased with the efforts to this point. She indicated they had divided up into four subcommittees as follows:

(1) Subcommittee A - to investigate those aspects of economic development which Raleigh must coordinate with the County, State and other municipalities.

(2) Subcommittee B - investigate the impacts of economic growth in order to ensure a quality living environment.

(3) Subcommittee C - to explore methods and alternatives to expansion of Raleigh's tax base.

(4) Subcommittee D - to investigate methods for the provision of services with an expanding service area and reduce Federal funds.

She indicated through a series of subcommittee meetings, the Task Force Members defined a list of issue areas which were summarized in the official subcommittee reports in December. She indicated these topics were further defined and it was agreed that consultant assistance would be required in the following areas:

(1) An assessment of current property tax base.

(2) An assessment of our physical impact evaluation capabilities.

(3) An assessment of the economic impacts of State Government, inner-local service responsibilities and new revenue sources.

She briefly explained these topics and what is involved. She indicated this is a progress report as the Council has already authorized the consultants earlier. She indicated the Committee does look forward to community forums hopefully in late spring. Mayor York commended Ms. Babb and the Task Force indicating there has been some very active participation and he feels that this work will be very helpful to the City. The item was received as information.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

ANIMAL CONTROL ORDINANCE - PROPOSED CHANGES - REFERRED TO THE LAW AND FINANCE COMMITTEE

City Manager Zachary indicated some months ago, this item was studied by a Council Committee at the direction of the Council after receiving a recommendation from a citizen. The Law and Finance Committee recommended that this item be reported out of Committee and referred to Administration to study the Animal Control Ordinance as it relates to existing manpower to enforce, to study the points mentioned in Judy Cobb's recommendations, and to make any suggestions to the full Council about implementation. Mr. Zachary indicated the ordinance has been studied by appropriate members of the Police Department and changes are recommended as included in the Agenda packet.

Mr. Jordan indicated he got a number of calls about this over the weekend, some were in support of the proposal and some were opposed. He stated he feels that it should

be sorted out somewhat. He indicated he would REQUEST THAT THE PROPOSED CHANGES IN THE ANIMAL CONTROL ORDINANCE BE REFERRED TO THE LAW AND FINANCE COMMITTEE AND REPORT IT BACK TO THE COUNCIL NO LATER THAN THE SECOND MEETING IN FEBRUARY. Brief discussion took place on the fact that these changes have never been studied by a committee and without objection, the item was referred to the Law and Finance Committee.

WORD PROCESSING - NIGHT SHIFT - TO BE TRANSFERRED TO REGULAR DAYTIME HOURS - FUNDS APPROPRIATED

The Agenda listed a transfer in the amount of $10,270 relating to the Word Processing Center and explained IT IS RECOMMENDED THAT NECESSARY EQUIPMENT (THREE TYPING STATIONS) BE ACQUIRED TO PERMIT TRANSFER OF THE WORD PROCESSING NIGHT SHIFT TO REGULAR DAYTIME HOURS WITH IT BEING POINTED OUT THE CHANGE HAD BEEN PLANNED TO OCCUR IN THE NEXT FISCAL YEAR UPON OCCUPANCY OF THE NEW BUILDING. It was explained that it has been determined that earlier action will improve supervision, productivity, and employee working conditions. Most of the equipment costs will be offset by freezing one vacant position. Administration RECOMMENDS APPROVAL OF THE TRANSFER OF FUNDS TO PURCHASE THE NECESSARY EQUIPMENT AS OUTLINED AND THAT THE MAYOR BE AUTHORIZED TO SIGN APPROPRIATE DOCUMENTS. Mr. Walters moved the recommendation as outlined be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 56 TF 12 and Resolution 142 TF 22.

HUD GRANT - ACCEPTANCE AUTHORIZED

It was pointed out .the Department of Housing and Urban Development is offering the City of Raleigh a Grant of $27,000 for the Fair Housing Assistance Program. This grant is for two temporary civil rights analysts or planners. Their employment will be for six months. This is a continuation program at no cost to the City. Administration believes that, before a housing program can be developed for the City, basic data will have to be developed. These two temporary positions can be used to work on a "housing" subject and could be used in any department. ACCEPTANCE OF THIS ANNUAL GRANT OF $27,000 IS RECOMMENDED WITH AUTHORIZATION TO BOOK THE GRANT. Mr. Edwards moved the recommendation as outlined be upheld. His motion was seconded by Mr. Walters and put to a roll call vote which resulted in all members voting in affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 57

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 Budget be amended in order to reflect acceptance of a grant from the U.S. Department of Housing and Urban Development as follows:

Revenue:

02-1-2010-100	Fair Housing Assistance	$27,000.00

Expenditure:

02-2-2010-000	Fair Housing Assistance	$ -0-
02-2-2010-100	Salaries	15,600.00
02-2-2010-101	Fringes	2,560.00
02-2-2010-231	Travel	300.00
02-2-2010-240	Ptng, Repro, Trng, Workshops	4,740.00
02-2-2010-260	Supplies	2,000.00
02-2-2010-700	Equipment	1,800.00
		$27,000.00

Adopted: 1/18/83

CAMP DURANT - TRANSFER - AUTHORIZED

This was a recommendation FOR A TRANSFER OF $30,000 FROM CODE ACCOUNT 37-2-1125-100 TO CODE ACCOUNT 37-2-1125-106 - CAMP DURANT HOUSE. Council Members received a memo in their Agenda packet which indicated the City has budgeted $100,000 in the Parks Capital Fund for improvements at Camp Durant and one of the immediate problems is the condition of the caretaker's dwelling which must be replaced. The Master Plan for this park indicates that the replacement of the dwelling is a first priority. As a part of the Civic Center Home and Garden Show, an 11,000 square foot dwelling is being built for display. The owners of the dwelling have indicated an interest in selling this unit when the show is finished. It appears that the City may be able to obtain this structure for a very reasonable price for use at Camp Durant and much less than estimated in the Master Plan. It was pointed out the purchasing laws allow for informal bids to be obtained for construction work costing less than $30,000. Based on the factors, it is the City's intention to proceed with the informal bid process and obtain quotations for constructing a single family dwelling at Camp Durant. Brief discussion took place as to how much this would save the City, the fact that this is a part of the regular Home and Garden Show and the house can be

used there, then dismantled and moved to Camp Durant. Mr. Edwards moved Administration's recommendation as outlined be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 142 TF 22.

HOME AND GARDEN SHOW - 1983 - AGREEMENT WITH RICHARD HENRY AUTHORIZED

City Manager Zachary indicated as we have done in the past, Administration PROPOSES THAT RICHARD HENRY (dba TRANSFORMATIONS) BE EMPLOYED TO CONSTRUCT AND TAKE DOWN THE 1983 HOME AND GARDEN SHOW. A copy of the letter of agreement was included in the Council Members' Agenda packet. Mr. Edwards MOVED ADMINISTRATION'S RECOMMENDATION FOR APPROVAL OF THIS LETTER OF AGREEMENT BE APPROVED. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ADDENDUM

SALISBURY STREET PARKING DECK - MONTHLY RENTALS APPROVED

The Addendum indicated the contract with McLaurin Parking Company, Inc., for the operation of the South Salisbury Street Parking Deck during 1983 provides that no space in the deck will be rented on a monthly basis, except those leased to Carolina Power & Light Company and to Radisson Plaza of Raleigh, without City Council approval or directives. McLaurin has recommended, and Administration concurs, that 30 nondesignated spaces be rented on a month to month basis at $40 per month at the same rate at which the Radisson spaces are leased. These spaces are available at this time and such rental does not conflict with any other agreements or commitments regarding space in the deck. At such time as those spaces may be needed for short term or hotel parking, the monthly rentals may be terminated as they will be on a month to month basis. Administration RECOMMENDS APPROVAL OF THE MONTHLY RENTALS AS OUTLINED. Mr. Walters moved Administration's recommendation be upheld which was seconded by Mr. Edwards and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

CETA - OJT CONTRACTS - CITY MANAGER AUTHORIZED TO SIGN CONDITIONALLY

It was pointed out the Human Resources Director has requested permission for approval from Council for Administration to sign CETA OJT contracts that total $5,000 and under. Council Members received a memorandum of request explaining why the request is being made in their Agenda packet. It was pointed out many times these small OJT contracts are for very small amounts and short periods of time and by time the Council approval and circulation can be obtained, it is too late. Therefore, Administration RECOMMENDS THAT THE CITY MANAGER BE AUTHORIZED TO SIGN THESE CONTRACTS UP TO A MAXIMUM LIMIT OF $5,000 WITH THE UNDERSTANDING THAT NOTICE OF ALL SUCH APPROVED CONTRACTS WOULD APPEAR ON THE FOLLOWING CITY COUNCIL AGENDA UNDER THE HEADING "ITEMS OF INFORMATION." Mr. Walters moved the recommendation as outlined be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED MOVED THE MOTION ADOPTED.

TAXICAB OWNERS PERMIT - JIMMIE EARL WILLIAMS - APPROVED ON FIRST READING; TO BE PLACED ON 2/1/83 AGENDA

The Addendum indicated an application for a taxi owners permit from Jimmie Earl Williams, Ebony Cab Company (renewal of individual owners permit), has been received, checked and meets the requirements of the City Code. APPROVAL OF THE APPLICATION FOR A TAXI OWNERS PERMIT AS OUTLINED IS RECOMMENDED WITH THE UNDERSTANDING IT WOULD BE PLACED ON THE 2/1/83 AGENDA FOR SECOND AND FINAL CONSIDERATION. Mr. Keller moved Administration's recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

LAWSUIT - SETTLEMENT AUTHORIZED

City Attorney McCormick indicated Council Members received a memo from him relating to a lawsuit, City of Raleigh versus Russell Fox. He indicated in that memo, he recommended a settlement and questioned the Council's desires. Mr. Edwards MOVED THAT THE CITY ATTORNEY'S RECOMMENDATION ON THE SETTLEMENT OF THE CITY OF RALEIGH VERSUS RUSSELL FOX LAWSUIT, AS OUTLINED IN HIS MEMO, BE APPROVED. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

CABLEVISION - FUNDS APPROPRIATED FOR BILL FROM FUQUA ASSOCIATES

City Attorney McCormick indicated recently, Council Members were furnished a listing of all of the professional fees relating to the Cablevision Consulting Service. He indicated at that time, the Council was told that that included all the bills and all of the work done by the two cable consultants. He indicated, however, there was a $752.75 bill from Fuqua Associates that was mailed to the wrong address and he would recommend that funds be appropriated to pay the bill. Mr. Jordan MOVED THAT $752.75 BE APPROPRIATED AND THE BILL FROM FUQUA ASSOCIATES PAID. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 56 TF 12.

REPORT OF MAYOR AND COUNCIL MEMBERS

FRIENDS OF SHELLEY LAKE/SERTOMA PARK - REFERRED TO LAW AND FINANCE COMMITTEE

Mayor York indicated he had been contacted by Maurice E. Voland and others who are interested in forming a group known as Friends of Shelley Lake Sertoma Park to provide private resources to support programs and physical development at the Shelley Lake Sertoma Park including the Sertoma Art Center. Resources would include both human and financial which are required for programs in physical development but which may not be available from public resources. He indicated they wish to establish a chartered North Carolina Nonprofit Corporation which would obtain IRS 501(c)(3) designation. He indicated the corporation would be in a position to receive gifts and contributions which would be dedicated toward programs or physical development at the Shelley Lake Sertoma Park and Sertoma Art Center. He indicated he had written to them to make sure that certain guidelines would be followed, such as making sure that any gifts or contributions they receive would be in keeping with the Master Plan, ensure the cooperation with the staff of the Shelley Lake Sertoma Park and Sertoma Art Center, as well as cooperation with the Parks and Recreation Department, in establishing operating procedures. He stated in addition, they wanted to make sure that anything that is set up would be available for the general public use. Mayor York commended the group but stated possibly, this should be referred to a committee to make sure of the whole situation. After brief discussion by general consensus, THE ESTABLISHMENT OF FRIENDS OF SHELLEY LAKE SERTOMA PARK WAS REFERRED TO LAW AND FINANCE COMMITTEE WITH THE REQUEST THAT IT BE REPORTED BACK NO LATER THAN FEBRUARY 15 COUNCIL MEETING.

TEMPORARY SHELTER - RALEIGH AREA MINISTERIAL ASSOCIATION - REFERRED TO ADMINISTRATION

Ms. Babb indicated she would like to discuss the matter of the temporary shelter being established by the Raleigh Area Ministerial Association. She indicated the City Council supported the idea and they were moving along with establishing the temporary shelter but when they went to the Board of Adjustment, they were denied a special use permit based on the fact that it was determined that they were a family care or group care home. She indicated she did not feel the Board of Adjustment was negative about the idea but they could not find a way to allow the permit as requested. She indicated that leaves us in a real dilemma. She stated she had talked with the City Attorney and the Human Resources Director and what we are faced with is the fact that we've got an effort and responsibility to respond to this need as severe weather is coming on but she does not know the procedure. She indicated what she would like to suggest is that we try to get things moving along and not get bogged down in bureaucratic regulation and keep an eye on the goal of these people who are trying to serve a need. She indicated the Board of Adjustment ruled and they considered as a point of law and interpreted that this facility should be considered a family care or group care home and would not be allowed. She indicated she does not believe that it is a family care or group care home, that it is a temporary shelter which is something totally different. She stated she knew that the City Council could not overrule the Board of Adjustment and she was not suggesting that but she would like for the Council to request that they take another look at this case as soon as possible and maybe the Council could tell the Board of Adjustment that it would be the will of the Council or the thinking of the Council that this should be considered an eleemosynary institution and having said that is the Council's interpretation to ask the Board to reconsider. Mr. Walters questioned if the City Council took this action, how the Council would interpret or define the Rescue Mission. He indicated he is not opposed to this project but he is opposed to rules being broken to accommodate a particular project. He indicated he understands the proponents or the organizers were told that there would be a problem in zoning in the very beginning. He indicated he just did not see how the City Council could overlook this case in the zoning procedures. Mr. Edwards indicated we do have the three-fourths mile radius requirement and he feels that is an excellent rule and we would need to abide by it. He indicated we are looking at a facility for temporary housing for people coming in and staying one night and leaving the next day. He indicated we cannot overlook the need for a facility such as this. He questioned if there was some type of temporary solution. Human Resources Director Harris indicated he has discussed this matter with Ms. Babb. He indicated the biggest problem would be finding a location pointing out the zoning problem will be about the same in any location. He stated the need is immediate. He indicated the people who will be involved are not necessarily derelicts, that it could be families or whatever. He indicated he was not aware of the problem of zoning until it went to the Board. Lengthy discussion took place with City Attorney McCormick indicating the Board of Adjustment made an interpretation in a finding a law that this is a group care facility and the Council would have to deal with that. Ms. Babb indicated her original thought was that they could, through the City Manager, advise the Board that it is the Council's interpretation that this is an eleemosynary institution and he could tell the Zoning Inspector that. She stated all she wanted to do was to find a way that the Council could do something and help out this need. Mr. Calloway questioned if there was any opposition from the neighbors with Mr. Harris indicating there is not. In response to questioning, Mr. Harris indicated this would be a temporary location. After other discussion, Mr. Jordan MOVED THAT THE COUNCIL ASK THE CITY MANAGER, THROUGH THE APPROPRIATE CITY STAFF PERSONS, TO CONTACT THE PERSONS WITH THE RALEIGH AREA MINISTERIAL ASSOCIATION AND SIT DOWN WITH THEM AND TALK WITH THEM ABOUT THEIR SPECIAL MISSION AND OBJECTIVES TO DETERMINE IF THIS COULD BE CLASSIFIED AS AN ELEEMOSYNARY INSTITUTION AND IF SO, TELL THE RALEIGH AREA MINISTERIAL ASSOCIATION TO PETITION THE BOARD OF ADJUSTMENT FOR A REHEARING AS SOON AS POSSIBLE, POSSIBLY IN A SPECIAL MEETING, TO RECONSIDER THIS. His motion was seconded by Mr. Calloway. City Attorney McCormick indicated that would be fine but told the Council to remember the Zoning

Inspector is bound by the decision of the Board of Adjustment. Mr. Walters indicated everyone is concerned about this and he has talked with Jack Sherman about it. He stated he knows of the problem. City Attorney McCormick indicated possibly, we could talk with the Raleigh Area Ministerial Association and ask them to sit down with the staff and go over exactly what they plan to do at this location. He pointed out one of the things that makes an organization a group care or family care facility is counseling or therapeautic work. He indicated if they are not going to do any of this, they should advise the Board and possibly, the Board could reconsider. Mr. Walters indicated he has been told that the Raleigh Rescue Mission nor the Salvation Army has ever turned away a client. He indicated he wanted that a part of the record as he did not want everyone to think that they were turning away people in this freezing weather with Mr. Calloway indicating he knew, however, they probably had a maximum on how many they could handle. The motion as stated was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ITEMS CONTINUED FROM EARLIER IN THE MEETING

Mr. Walters indicated he had to leave the meeting early and since Mr. Upchurch had just returned to the meeting, he would request that the Council take up the two items that were deferred from earlier in the meeting. Without objection, this was agreed to.

TC-221 - ART DEALERS, ETC., IN O&I DISTRICTS - DENIED; STUDY OF POSSIBLE MIXED USED ZONING - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Jordan reported the Law and Finance Committee recommends, by split vote, that TC-221 - Art Dealers, Etc., in O&I-I districts be approved as advertised. He explained this would add a new Section 10-2073(28) permitting art dealers, art studios, stamp and coin shops, jewelers and antique dealers in the Office and Institution-I zoning districts upon certain requirements. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway.

Mr. Edwards indicated he had received a lot of information on this text change, some in support and some in opposition. He indicated Planning Director Chapman wrote a memo suggesting that if this were approved that we set up a percentage of the building rather than a flat square foot allowance. He indicated he was not really sure what percentage or if the percentage would satisfy small spaces that would be needed if you've got a real big office building. He questioned if we could amend the proposed text change to 1,500 square feet as he feels this would bring it down to a reasonable size. Mr. Jordan and Mr. Calloway both accepted the amendment to change the square footage to 1,500 square feet. Mr. Walters explained the present Code which allows retail sales in O&I as an ancillary use. He indicated he knew we need some kind of mixed use district but he feels this is clearly a deviation from what should be allowed in the O&I zoning district.

Mr. Upchurch indicated he is very much opposed to this text change as no need has been proven. He stated he feels it will dilute the O&I classification and it will open doors for many other things to happen. He indicated he knew the text change was just saying certain type dealers but called on the Council to read the Planning Commission's recommendation for denial and the fact that they will study this classification. He indicated recently, the Council referred to the Public Works Committee the criteria for issuing special use permits under the Board of Adjustment. He explained on September 29, the CAC voted to oppose this and he feels the Council would be taking a bad step in approving this text change. He indicated he would be opposed to the text change whether it has 2,000 square feet or 1,500 square feet as it is just opening up retail. He called on the Council to vote this down pointing out the Planning Commission and the CAC has said vote it down and he is urging the Council to vote it down. Mr. Calloway indicated he didn't feel that there would be a run on this expanded use pointing out there are a number of retail activities already allowed in the O&I zoning. He stated if we have allowed so many retail uses already, he sees no problem with allowing these. Mr. Upchurch indicated there are certain conditions under which the retail uses are presently allowed and pointed out we often have neighborhood groups complaining about what has been allowed. Mr. Keller indicated to him, it all boils down to a simple issue and that is that TC-221 would allow retail outlets in O&I zoning and that would be a further erosion of the O&I zoning classification. Mr. Jordan indicated that he feels the text change would just allow some moderate retail sales in O&I. He pointed out presently, gift shops are allowed and it is not allowing them by right but we have a procedure, hearing process, etc., to go over. Lengthy discussion took place as to whether this text change would allow several businesses in one building or if it would be 1,500 square feet for one business or what. After lengthy discussion with Mayor York indicating he feels that this text change needs a little additional work as he does have the question of whether this is 1,500 square feet per business or per building. The motion as stated was put to a vote with results as follows: ayes - Jordan, Calloway, Edwards; noes - York, Walters, Babb, Keller, Upchurch. The Mayor ruled the motion defeated. Mr. Jordan questioned if this item could be referred back to Law and Finance Committee with several Council Members indicating the text change has already been defeated, therefore, what would be referred back to Committee. Ms. Babb indicated she feels there is a need for better mixed uses in our Zoning Code and maybe we should refer to the Law and Finance Committee an item relating to the possibility of mixed use zoning. She referred to performance zoning after which Ms. Babb MOVED THAT AN ITEM BE REFERRED TO THE LAW AND FINANCE COMMITTEE TO START LOOKING AT THE GENERAL TOPIC OF MIXED USE ZONING. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REZONING Z-61-82 - LAKE DAM ROAD/GORMAN STREET - APPROVED - ORDINANCE ADOPTED

Chairman Calloway reported the Comprehensive Planning Committee RECOMMENDS THAT THE PLANNING COMMISSION'S RECOMMENDATION - CR-1763 BE UPHELD; THAT IS, REZONE THE PROPERTY ACCORDING TO A MAP ENTITLED, "LINPRO/RALEIGH, MAP B." On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Edwards. Mr. Calloway indicated the Committee worked long and hard on this rezoning case and it was held up during the holidays in order to give the applicant and the neighborhood an opportunity to work together. He indicated the principle of infill development, location, etc., should be taken into consideration as well as the fact that this rezoning, if approved, would amount to Residential-7 rather than Residential-10. Mr. Keller indicated there are several things that should be pointed out. He indicated at no point has there been any disagreement between the single family and multifamily uses on this property. He indicated people are saying that they recognize that this land is suited for apartments and the only thing they are objecting to is the number of apartments. The density is the big problem. He pointed out this would add almost 600 additional units and while the people are not opposed to apartments, they do object to the increase in density. He indicated he would suggest that this item be held and ask that the neighbors get together with Linpro, accepting the eventual R-10 zoning on this property, and try to determine how best this could be developed. After brief discussion on the fact that the Council would have site plan approval, etc., the motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Keller who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 55 ZC 113.

MR. WALTERS EXCUSED FROM THE REMAINDER OF THE MEETING AT 4:10 P.M.

REPORT OF MAYOR AND COUNCIL MEMBERS - CONTINUED

CABLEVISION - INFORMATION RECEIVED

Ms. Babb indicated she noticed an article in the paper about the number of people who have asked for an RFP relating to cablevision. She indicated if there are companies that are going to get serious about bidding Raleigh's cablevision, she is sure that they will have a lot of questions that need clarification. She questioned how the City Attorney planned to handle this. City Attorney McCormick indicated he has informed everyone by letter that if they had questions to let him know in writing. He stated he hadn't planned nor had he recommended a prebidding conference, basically because there are so many variables, etc. He pointed out this isn't like going out and bidding on a car or something of that nature. He indicated he has just asked everyone who had questions to submit them in writing. No further action was taken.

PARKING - RONALD DRIVE - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Jordan REQUESTED THAT AN ITEM RELATING TO PARKING ON RONALD DRIVE BE REFERRED TO LAW AND FINANCE COMMITTEE. Without objection, the item was so referred.

TRAFFIC - SOUTH STATE STREET - REFERRED TO ADMINISTRATION

Mr. Calloway indicated sometime back he requested Administration to look into the possibility of adding street lights on South State Street. He indicated he was informed that this would be against the present policy. He stated in light of that, he would now request Administration TO LOOK INTO THE POSSIBILITY OF MARKING - PUTTING A DIVIDING LINE - ON SOUTH STATE STREET FROM BRAGG STREET SOUTHWARD. He indicated it is very difficult to see in this area, particularly on foggy nights, and the people have just requested some type marking on the street to enable them to see better. Without objection, the item was referred to Administration.

POLICE SECURITY - LIGON HIGH SCHOOL - ADMINISTRATION TO GIVE COMMENTS

Mr. Keller indicated he had been contacted by a number of parents relative to the security at Ligon School. He indicated as he understands it, there are uniformed police officers during school hours but as soon as school is over, the officers leave. He questioned if these uniformed officers are paid for by the school or if they are on duty police officers assigned to the school. City Manager Zachary indicated he would check into this and provide a report.

SIDEWALKS - LAKE BOONE TRAIL - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Upchurch REQUESTED THAT AN ITEM RELATING TO SIDEWALKS ON LAKE BOONE TRAIL BE REFERRED TO PUBLIC WORKS COMMITTEE. Without objection, the item was so referred.

REPORT OF CITY CLERK AND TREASURER

MINUTES - VARIOUS - APPROVED

The City Clerk indicated Council Members received copies of the minutes of the December 21 Council Meeting as well as the January 4 Council Meeting and Joint Zoning Hearing. There being no corrections, Mayor York ANNOUNCED THE MINUTES APPROVED AS PRESENTED.

ADJOURNMENT

There being no further business, Mayor York announced the meeting adjourned at 4:15 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk and Treasurer

The City Council met in a regular reconvened meeting on Tuesday, January 18, 1983, at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and the following items were discussed with action taken as shown.

CERTIFICATES OF APPOINTMENT

Mayor York explained the Certificate of Appointment presentation pointing out it is normally handled in the afternoon section of the meeting. He stated, however, the representatives of the Raleigh-Durham Airport Authority were at the meeting tonight on another item and to save them a trip, it was agreed to make the presentation at tonight's meeting. Mayor York presented Certificates of Appointment to John B. Harris, Jr., and George S. Willoughby.

REQUESTS AND PETITIONS OF CITIZENS

NORTH CAROLINA HOUSING FINANCE AGENCY - RESOLUTION ADOPTED

Hugh A. Williams had requested the City Council to adopt a resolution relating to financing by the North Carolina Housing Finance Agency on a 28 unit apartment complex in Greencastle Subdivision. Mr. Williams was not at the meeting. It was pointed out the developer is requesting financing under the State Housing Finance Agency Multi-Family Program which is financing made available through the sale of tax exempt bonds to build conventional housing units. Twenty percent of the units must be priced for low or moderate income households. As a nonsubsidized housing project, the proposal is exempt from the City's scattered site policy. Brief discussion took place with City Manager Zachary indicating the staff has no problem, however, approval of the resolution would be approval in concept and the developer would still have to go through all of the normal permit processes. Mr. Jordan MOVED ADOPTION OF THE RESOLUTION AS REQUESTED RELATING TO THE APARTMENT COMPLEX IN GREENCASTLE SUBDIVISION. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

Mr. Jordan introduced the following resolution which was read:

RESOLUTION NO. (1983) 147

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA

BE IT RESOLVED BY THE CITY COUNCIL (GOVERNING BODY) OF THE CITY (CITY, TOWN OR COUNTY) OF RALEIGH:

SECTION 1

The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of lower income (as defined by the Agency) described below and located at Greencastle Subdivision (Address) in the City (City, Town or County) of Raleigh is hereby requested and approved pursuant to G.S. 122A-5(1):

Description of Proposed Project:

28 unit apartment complex in Greencastle Subdivision

SECTION 2

This resolution will take effect upon its passage. Thereupon, upon motion of Mr. Jordan, Seconded by Mr. Calloway, the foregoing resolution was passed by the following vote:

Ayes: Mayor York, Mr. Upchurch, Ms. Babb, Mr. Edwards, Mr. Walters, Mr. Jordan, Mr. Calloway, Mr. Keller

Noes: None

* * * * * *

I, Brenda N. Anderson, Deputy Clerk of the City Council of the City of Raleigh, North Carolina DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council (Governing Body) of said City (City, Town or County) at a meeting held on January 18, 1983, as related in any way to the passage of a

resolution requesting and approving the participation of the NORTH CAROLINA HOUSING FINANCE AGENCY in a housing project to be located in said City (City, Town or County), and that said proceedings are recorded in Minute Book number 35 of the minutes of said City Council (Government Body), beginning at page _____ and ending at page _____.

I hereby further certify that due notice of said meeting was given pursuant to G.S. 143-318.8.

WITNESS my hand and the corporate Seal of said City of Raleigh (City, Town or County), this 24th day of January, 1983.

/s/ Brenda N. Anderson
Deputy City Clerk

SUMMERFIELD NORTH SUBDIVISION - SURETY AUTHORIZED IN LIEU OF IMPROVEMENTS

Joe Osborne, representing Tapp Company - Phase II, was at the meeting to request posting a subdivision bond in lieu of curb and gutter, storm sewer, and street widening on a portion of Strickland Road in connection with Summerfield North Subdivision. Mr. Osborne briefly explained the problem they have relating to the improvements to a portion of Strickland Road indicating since they cannot make the improvements at this time, they would like permission to post a letter of credit or bond in lieu of the improvements. Mr. Edwards MOVED THAT TAPP COMPANY BE AUTHORIZED TO POST A BOND OR LETTER OF CREDIT IN LIEU OF THE IMPROVEMENTS ON STRICKLAND ROAD AS OUTLINED. His motion was seconded by Mr. Upchurch. City Manager Zachary indicated Administration has no problem with this request and will compute the amount of bond should the Council approve it. Brief discussion took place as to whether it should be a bond or a letter of credit with City Attorney McCormick indicating either one would be O.K. Mr. McCormick commended Mr. Osborne and the City Manager's staff in working on this problem pointing out they did everything they could to try to solve an insolvable problem. The motion as stated was put to vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

UNSAFE BUILDING - 2811 HOGAN STREET - REMOVED FROM THE AGENDA

William A. Campbell had requested permission to ask for an extension of time to demolish a dwelling at 2811 Hogan Street. City Manager Zachary indicated this has been discussed with Mr. Campbell and he had decided to withdraw his request as he will be able to demolish this structure within the time frame as identified in previous correspondence. Without objection, the item was withdrawn with no action taken.

ANNEXATION - WAYNERIDGE SUBDIVISION - CITY CLERK AUTHORIZED TO CHECK SUFFICIENCY OF PETITION

The Agenda indicated a petition has been received from Wayneridge Associates for the contiguous annexation of approximately 18.3 acres of land in Wayneridge Subdivision. The next step, if the Council so desires, would be direct the Clerk to check the sufficiency of the petition and schedule a public hearing if the petition is found to be sufficient. Without discussion, Mr. Jordan MOVED THAT THE CITY CLERK BE DIRECTED TO CHECK THE SUFFICIENCY AND SCHEDULE THE NECESSARY HEARING ON THE PROPOSED ANNEXATION. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

WAYNERIDGE APARTMENTS - SANITARY SEWER EASEMENT PROBLEM - REFERRED TO REAL ESTATE COMMITTEE

B. Kenneth Martin, agent for Wayneridge Apartments, was at the meeting explaining a problem his client has had in obtaining a sanitary sewer easement. He gave a brief history of the problem. City Manager Zachary indicated this item has been discussed in the Real Estate Committee previously and he feels it would be a good time to fully examine the problem. Mr. Walters MOVED THE REQUEST FOR CITY ASSISTANCE IN OBTAINING A SANITARY SEWER EASEMENT RELATING TO WAYNERIDGE APARTMENTS BE REFERRED TO REAL ESTATE COMMITTEE. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

NORTH CAROLINA HOUSING FINANCE AGENCY - 2021 CRUMP ROAD - RESOLUTION ADOPTED

Raymond Williams was at the meeting to request that the Council adopt a resolution relating to financing by the North Carolina Housing Finance Agency on a 70 unit apartment complex at 2021 Crump Road. It was pointed out by the City Manager that this is a 70 unit complex in the southwest allocation area, however, it is a nonsubsidized housing project, therefore, is exempt from the City's scattered site policy. He indicated he understands Council approval is necessary to move forward with the process. The Planning Director has stated that approval of the resolution would not be final approval that this would mean approval in concept and the applicant or developer would have to go through the normal subdivision zoning permit procedures. Mr. Calloway MOVED ADOPTION OF THE RESOLUTION RELATING TO THE APARTMENT COMPLEX AT 2021 CRUMP ROAD WITH THE UNDERSTANDING THAT THE DEVELOPER WOULD GO THROUGH ALL THE NORMAL PLAN APPROVALS. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

Mr. Calloway introduced the following resolution which was read:

RESOLUTION NO. (1983) 148

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA

BE IT RESOLVED BY THE CITY COUNCIL (GOVERNING BODY) OF THE CITY (CITY, TOWN OR COUNTY) OF RALEIGH:

SECTION 1

The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of lower income (as defined by the Agency) described below and located at 2021 Crump Road (Address) in the Raleigh (City, Town or County) of Wake is hereby requested and approved pursuant to G.S. 122A-5(1):

Description of Proposed Project:

70 Apartment Complex, located at 2021 Crump Road

SECTION 2

This resolution will take effect upon its passage. Thereupon, upon motion of Mr. Calloway, Seconded by Mr. Jordan, the foregoing resolution was passed by the following vote:

Ayes: Mayor York, Mr. Upchurch, Ms. Babb, Mr. Edwards, Mr. Jordan, Mr. Walters, Mr. Calloway, Mr. Keller

Noes: None

* * * * * *

I, Brenda N. Anderson, Deputy Clerk of the City Council of the City of Raleigh, North Carolina DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council (Governing Body) of said City of Raleigh (City, Town or County) at a meeting held on January 18, 1983, as related in any way to the passage of a resolution requesting and approving the participation of the NORTH CAROLINA HOUSING FINANCING AGENCY in a housing project to be located in said City (City, Town or County), and that said proceedings are recorded in Minute Book number 35 of the minutes of said City Council (Government Body), beginning at page _____ and ending at page _____.

I hereby further certify that due notice of said meeting was given pursuant to G.S. 143-318.8.

WITNESS my hand and the corporate Seal of said City of Raleigh (City, Town or County), this 24th day of January, 1983.

/s/ Brenda N. Anderson
Deputy Clerk

RALEIGH-DURHAM AIRPORT AUTHORITY - APPOINTMENT PROCEDURE APPROVED IN CONCEPT; AUTHORIZATION TO ACCEPT GRANTS APPROVED

George Willoughby, representing the Raleigh-Durham Airport Authority, was at the meeting pointing out the RDU Airport Authority is suggesting two proposed changes in their charter which they would like to have made by the 1983 Session of the General Assembly. One change would relate to providing for staggered terms of members of the Airport Authority which would set up two-year terms of the members on the Authority with the understanding that this change would be effective January, 1985. The City Council and the other governing boards would appoint one person for a two-year term and one three-year term after which all terms be two years in duration. He indicated this would allow for staggered terms for all members. He indicated the second item relates to the Airport Authority accepting Federal grants without the prior approval of the four governing bodies. He explained the existing charter provision pointing out at the present time, the Raleigh-Durham Airport Authority is a self-sufficient organization that receives a contribution of $12,500 from each of the governing boards. He explained the revenues generated by the airport in the past year and presented a report on the work of the Authority.

Mayor York commended the Airport Authority for the excellent work and progress they have made. He indicated as he understands it, this would be approval of the concept of the change in the charter and this would be effective January, 1985, which is the time our present Airport Authority representatives' terms expire. Mr. Walters indicated this would be a change of policy because we cannot appoint members for three years. Brief discussion took place and Mr. Edwards MOVED THAT THE CITY COUNCIL SUPPORT THE CONCEPT OF CHANGING THE RALEIGH-DURHAM AIRPORT AUTHORITY CHARTER WITH THE UNDERSTANDING THAT IN 1985, THE CITY COUNCIL WOULD APPOINT A TWO AND A THREE-YEAR

TERM TO THE AIRPORT AUTHORITY AND ALL TERMS THEREAFTER WOULD BE TWO YEARS. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

Mayor York indicated the next item would be to allow the Airport Authority to accept Federal grants without prior approval of the City Council. Brief discussion took place and Mr. Edwards MOVED THAT THE CITY COUNCIL GO ON RECORD AS SUPPORTING THE CONCEPT OF THE RDU AUTHORITY BEING AUTHORIZED TO ACCEPT FEDERAL GRANTS WITHOUT PRIOR APPROVAL OF THE GOVERNING BOARD. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

None.

MATTERS SCHEDULED FOR PUBLIC HEARING

PU 1982-6 - REVISED - HOUSE CREEK OUTFALL - RESOLUTION DIRECTING PROJECT ADOPTED

This was hearing to consider the installation of approximately 600 feet of sanitary sewer main beginning at House Creek Outfall and continuing northeastward to Parcel 17, with assessment to be a combination of the per lot basis and front footage basis to apply. Assistant Public Utilities Director Simmons explained the project. The Mayor opened the hearing. Mrs. Carroll, a property owner, questioned how the project would be assessed and when. Assistant Public Utilities Director Simmons explained the assessment procedure pointing out the City Council, at the recommendation of the Public Works Committee, had set out a manner of assessment of the combination of per lot and front footage basis. Mrs. Carroll's lot would be assessed on the per lot basis as per previous Council action. No one else asked to be heard, thus the hearing was closed. Mr. Edwards MOVED A RESOLUTION DIRECTING PU 1982-6 - REVISED AS OUTLINED. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 149

A RESOLUTION TO DIRECT THAT THE SANITARY SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1982-6 - Revised - Installation of approximately 600 feet of 8-inch sanitary sewer main to be installed beginning at the House Creek Outfall and continuing northeastward approximately 600 feet to Parcel 17.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Combination of the per lot basis and the front footage basis according to Council action on December 7, 1982.

Section 3. That the property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 1/20/83

CONDITIONAL SIGN USE - A-1 NEO - RALEIGH SIGN SERVICE - REFERRED TO PUBLIC WORKS COMMITTEE

This was a hearing to consider an application for a conditional sign use, made by A-1 NEO - Raleigh Sign Service, to install a roof sign in the Industrial-II zoning at 505 South West Street. The Mayor opened the hearing. No one asked to be heard. City Attorney McCormick indicated he has some problems with Administration's comments on this particular sign. Mr. Edwards MOVED THAT THE CONDITIONAL SIGN USE APPLICATION AT

505 SOUTH WEST STREET BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

BUDGET - PREBUDGET HEARING - COMMENTS RECEIVED

This was a hearing to provide an opportunity for citizens to offer written and oral comments on matters to be considered in the preparation of the budget for fiscal year beginning July 1, 1983. Citizens will also be provided the opportunity to comment on the budget in general or possible uses of Revenue Sharing funds. Mayor York indicated a request was made to the City Council and the Council felt it was very appropriate to hold a prebudget hearing in order to give the citizens an opportunity to make comments on what they would like to see in the different budgets of the City. He explained the budget process. Assistant City Manager Yates explained the steps in the budget process and went over the schedule. He presented information on the present budget showing revenue sources by percent, major expenditures of the budget, explained how revenues are anticipated and the fact that when the audit was done last year, the fund balance was slightly reduced and the spending levels at this point are somewhat higher. He also explained our bonded indebtedness pointing out overall, he expects budget considerations to be about the same as last year. He indicated having not seen any departmental budgets, he does not expect revenue or expenditures to change that greatly. Mr. Yates indicated in addition, it is estimated that a total of $2,537,000 will be available for appropriation in the general Revenue Sharing trust funds. The Mayor opened the hearing to the public.

Joan Baron, President of the League of Women Voters of Wake County, indicated they are a nation-wide organization. She stated at all levels - national, State and local - the League is concerned about the adverse impact of Federal budget cuts on the poor, the working poor and the unemployed. She indicated with this concern in mind, they would ask that meeting human needs be a main criterion in developing and approving the budget for the coming year. She stated the extensive need for housing assistance in Raleigh is a paramount concern to the League. She stated they have a long history of supporting an adequate supply of housing for low and moderate income families and they would hope that housing will indeed be priority issue for this Council and that the Council will explore all possible means of funding for construction and/or subsidizing housing for low income families. She stated whatever the outcome of a possible bond referendum or other plans under construction, the budget for the next fiscal year should reflect housing priorities. She stated another element of the "new federalism" that concerns the League is the diminished citizen participation requirements attached to block grants. She stated the League applauds the Raleigh City Council for holding a public hearing at this point and appreciates the efforts to further open the budget process to citizens and called on the Council to follow the pattern displayed tonight and continue holding public hearings to receive input from citizens on specific needs.

Howard Miller, representing the RCAC, expressed appreciation to the Council for holding this prebudget hearing pointing out they hope that this will be the beginning of a process whereby the citizenry can affectively participate in the preparation of Raleigh's budget. He stated the RCAC has two requests. First, they ask that the City establish an ongoing program evaluation system which provides for public review and comment. He explained some of the questions the evaluation program should address, in a systematic fashion include: What are the objectives of each program? What are the most affective operating techniques or methods for meeting each program's objective? What operations, if any, can be eliminated without affecting program performance? How many employees does each program need to meet its objectives? How should specific work tasks be scheduled? Are existing programs adequate relative to the City's needs? He indicated while RCAC believes the establishment of a program evaluation system is important, they are also concerned with the method the City uses to implement the new evaluation system pointing out they believe that it can and should be implemented in a manner that does not overburden the staff with paperwork. He stated one approach the Council might consider is phasing in the evaluation system pointing out programs that could be included in the 1983 implementation might be new programs, programs with expansions or programs that failed to meet last year's objectives. He stated other programs might be added to the system based on a schedule assigned by the City Council. He indicated to ensure the program evaluation system is ongoing, each new program and existing program, as a condition of funding, should have definite expiration dates which they suggest being no later than three years from the beginning date of funding. He stated the initial funding requests should include a statement of community needs that will be addressed by the proposed program or project, the program's goals, objectives and activities and a proposed time frame for these as well as a statement of performance measures, measures for efficiency and impact to be used in the program's evaluation. He stated implementation of this new system should begin with the preparation of the fiscal year '84 budget. He indicated their second request is that the Council work with RCAC to prepare an educational program so that the citizens may better understand the process of preparing a City budget including how trade-offs are made, learn more about park expenditures and the proposed housing bond issue as well as voicing a concern with the City's Zoning Code and the need to undertake a substantial rewrite of this Code.

The Chairman of the Mordecai CAC indicated they concurred with the evaluation made by RCAC. He stated they support the proposal but pointed out their group has a perception of a slightly imbalance of funding throughout the City. He indicated they would like to see a series of pie charts of how various City departments are broken down and what portion of the funding goes to which portion of the City. He stated they would like to see the funding broken down by district or planning areas in the City.

Mrs. I.B. Hudson, 2305 Byrd Street, indicated she was Chairperson of the Board of the Food Bank. She explained the work of the Food Bank. Mrs. Hudson then spoke to recycling on a large basis and the Recycling Raleigh Program. She explained that recycling could bring in large revenues for the City and at the same time, save the City money by expanding the life of the landfill. She explained the program that is carried on in Montclair, New Jersey with recycling. She indicated we have an area at the landfill for people to place glass to be recycled but pointed out the City could do more. She questioned what happens to all of the paper generated in the City offices. She suggested that the City investigate making recycling opportunities available to all citizens of Raleigh.

Anton Schreiner, 402 Wilmont Drive, indicated he understands that the City is planning to build six additional pools similar to the one constructed at Optimist Park. He pointed out Optimist Park was scheduled to cost approximately $600,000, however, it ended up costing $1,200,000. He stated he would like for the City not to proceed with additional pool activities. He stated in looking at Optimist Pool, he has learned that cost approximately $250,000 a year to operate and the pool is used primarily by 400 competitive swimmers. He stated he understands that the attendance at the other two pools has fallen off and it seems that Optimist Pool is more than meeting the needs of the City of Raleigh for swimming pools, therefore, he would suggest that if anything is spent in recreation, that the Council should give consideration to the fact that there are some 4,000 soccer players in the City of Raleigh and the City of Raleigh has no soccer fields. He pointed out the usage in the winter of Optimist Pool is much less and it cost more to operate and usage in the summer is high, however, the operation cost is not that high but it is only used by approximately 400 competitive swimmers. Mayor York explained the bond issue had $3,000,000 for pools and the City plans to build six pools. He stated they would not be patterned after Optimist Pool. He stated he did not know the figures on the operating cost at Optimist Pool but pointed out there is revenue coming in. He stated he knew that there were more people than the 400 competitive swimmers referred to by Mr. Schreiner and the City does try to provide a broad base recreation program.

Dave Mallette, Chairperson of the Southeast CAC, indicated his group would like to see the following items to be included in the budget: The addition of the second meeting room to the Worthdale Recreation Center as proposed prior to and after the passage of the recent bond issue, acquire the swimming pool complex at the south end of King Richard Road, include in the budget some means of improving site impairment at the intersection of King Richard and Poole Road intersection, provide additional tennis court lights at Worthdale Center to get more use of the center tennis courts pointing out this was to have been accomplished without use of and prior to the passage of the Parks and Recreation Bond Issue. He indicated the one thing they would most like to see included in the proposed budget is funds specifically allocated for the purpose of developing plan and construction of means to alleviate the flooding problems in the fringe area of the Worthdale Subdivision pointing out this flooding is caused by Walnut Creek and its tributary creeks and streams. He indicated the impact of such flooding will become critical upon the completion of the sorely needed Poole Road/Hammond Road section of the Raleigh Beltline due to the possible run-off from storm water and/or roadway spills where roadway construction changes existing elevations. He indicated the area in question is presently a part of the City greenway system and has been for some time and it has been neglected insofar as specific improvements when compared to other areas that are a part of the greenway system that are well along the way to complete development. He indicated improvements to the greenway in the Worthdale area should be a part of the next proposed budget for the following reasons:

Construction should be correlated to the scheduled Beltline, any delay in solving the problem increases the possibility of unwarranted damage to the property, the problem left unresolved in reference to the above has a definite impact on the future property values pointing out this is, of course, highly undesirable when the Council is seeking to broaden the tax base through appreciating property values by bolstering such activities as downtown revitalization, downtown housing improvements and redevelopment. He indicated in the past, there has been much discussion in regard to the subject area but nothing has been done due the lack of funds. He stated the time has past for solving the problem.

Berry Williams, Chairman of the Six Forks CAC, indicated most Council Members have already received a copy of a letter from him. He gave out a copy of a questionnaire that he sent to citizens in his CAC area. He pointed out the citizens had less than one week to respond but in that short time, he received 39 responses. Mr. Williams went over the questionnaire and the responses received as follows:

(1) Raleigh's current tax rate is 94¢ per $100 of appraised property value. Should Raleigh's tax rate be increased? - 5 yeses; 32 noes.

(2) Should the City seek special legislation to increase the local sales tax in Raleigh by 1¢? - 8 yeses; 31 noes.

(3) Should the City seek other sources of revenue to pay for services? 16 yeses; 16 noes.

Mr. Williams indicated the comments on this question seem to indicate that the people feel that in these economic times we are facing, it is needed for the City to tighten its belt. He stated they are not convinced of any need for

major expansion. He indicated those who responded yes to this question, suggested the following possible revenue sources for the City to consider - entertainment tax, tax State property, lotteries, tobacco tax and increased ABC revenues.

(4) Should the City of Raleigh establish a program evaluation system that will help officials and citizens know which City programs are cost affective? - 33 yeses; 5 noes.

(5) Should Raleigh issue bonds to assist low and moderate income families obtain standard housing? - 16 yeses; 20 noes.

Mr. Williams indicated in his opinion, the City needs to conduct an educational effort as people said they did not know how it would work, therefore, did not know how to respond.

(6) Should Raleigh undertake a comprehensive revision of the City's Zoning Ordinance during 1983? - 27 yeses; 8 noes.

He indicated this Council spends a considerable amount of time on zoning matters that could be alleviated with revision of the City's Zoning Ordinance.

(7) Should Raleigh continue its current level of financial support for the CAT Bus System? - 24 yeses; 12 noes.

Mr. Williams indicated he would provide all the questions to the City Council at a later time and invited all Council Members to look at the written comments on the questionnaires pointing out most people who responded did make individual comments.

John Stokes, representing the North Central Community Advisory Council, made the following suggestions: Add one large room to Tarboro Road Center with bath facilities. This room could be an all purpose room, for example, a gymnasium equipped for physical education to be used by men and boys. He pointed out the current room that is being used for that purpose is unsuitable in size and equipment; add a picnic shelter with tables and a basketball court at Tarboro Road Center. He indicated to accomplish some of these, he would suggest that the Council request the City Administration to seek special legislation to increase local sales tax on alcoholic beverages and tobacco by two cents, suggest the Administration issue bonds to assist low and moderate income families in obtaining single family homes in the inner-city. He indicated the North Central CAC suggests that the City of Raleigh continue its current level of financial support for the CAT Bus System.

John Candler, 820 Reddingwood Drive, indicated he was aware that a bond issue recently passed and money was set aside for swimming pools. He indicated Chavis and Pullen Swimming Pools' attendance has declined once again and Optimist Pool has gained in revenues; therefore, evidently, the Council has satisfied the needs of the citizens as it relates to swimming. He expressed concern that the original cost of Optimist Pool was estimated at $600,000 and it cost in excess of $1,000,000. He indicated out of a $4,000,000 budget, it seems hard for him to understand taking over $1,000,000 to go to one pool. He indicated Optimist Park Pool works on an inverted scale as it relates to a business proposition pointing out in summer when we have a large attendance, the operating cost is small but in winter when we have a small attendance, we have a high operating cost.

No one else asked to be heard, therefore, Mayor York closed the hearing. Mr. Upchurch indicated he would like to say to the citizens that are in attendance tonight that one of the most important tasks the Council has is to manage the citizens' money. He expressed appreciation to the people who were at the meeting to share their ideas pointing out the Council needs the citizens' help and ideas. He pointed out in the past three years, the Council had public hearings on the budget and very few people come in to express their feelings.

CABLE TELEVISION - CITIZENS' PETITION - ORDINANCE ADOPTED

This was a hearing pursuant to Section 2-16 of the Raleigh City Charter to consider public input concerning a proposed ordinance to require the City of Raleigh to engage in a public bidding process in order to award Cable Television franchise. Mayor York read the petition. He stated as a matter of information, the City Council has begun the process of soliciting proposals for cable service in the City of Raleigh. He indicated these proposals are to be submitted no later than March 31. He indicated it is his understanding that after the hearing, the City Council has two alternatives, that is to enact the ordinance requested by the petition or schedule a referendum. City Attorney McCormick indicated that is correct. He pointed out, however, the Council did not have to enact the ordinance tonight as there was a certain time frame but that the two choices as outlined by the Mayor are the alternatives the Council has. The Mayor opened the hearing to the public.

William C. Knight, 4504 Ryegate Drive, indicated he was one of the five petitioners in this drive. He indicated the petition has been a civic movement by concerned citizens. He indicated it was organized after the October 20 meeting of the CAC. He indicated in 12 days, they organized, filed with the Board of Elections, printed the petitions, etc. He pointed out they gathered over 9,600 signatures in 30 days indicating if they had more time and had worked harder, they could have gotten more. He stated it was the most successful petition drive ever seen in the City of Raleigh. He stated it is clear to him that the citizens believe in competitive bidding and the

Council has their instructions from the voters to pass the ordinance. He indicated if the Council went ahead and adopted the ordinance, it will show their responsiveness to the voice of nearly 25 percent of the registered voters and in addition, would reinforce the City Council's steps to go to the competitive bidding process.

Berry Williams, Chairman of the Raleigh Citizens for Competitive Bidding, indicated some of the comments that he is going to make will cause him pains given the efforts this Council has taken to have public hearings relating to the budget and efforts the Council has made in the past. He indicated Raleigh Citizens for Competitive Bidding was formed for the purpose of ensuring that our citizens receive first class cablevision services at competitive rates. Unfortunately, the City Council's decision making process left them with the petition initiative as the only affective vehicle to express themselves on this issue. He stated when City Council Members were asked to hold public hearings on the cablevision franchise issue, some of the Council Members said it is not a matter of public input or it would be a waste of time. He stated while the Raleigh Citizens for Competitive Bidding do not believe citizens participation is a waste of time, he must admit that never in their wildest dreams did they consider that in the face of such public outpouring, Council would turn a deaf ear to more than 9,600 persons who signed the Competitive Bidding petition. He indicated some Council Members believe that they have done as they asked by adopting an RFP process but that is not the case. He indicated just seeking proposals is not sufficient as many of the citizens believe that the RFP process adopted by Council is inadequate. He stated for example, the RFP says nothing about how proposals will be scored or how an orderly transition between the old and new franchise holders will be accomplished. He indicated the RFP did not address the question of if a second franchise is awarded, how will the second company get pole space. He indicated over the past two weeks, he had received calls from people who are sincerely disappointed with the approach this Council has taken. He indicated their concern and his is that the current process will discourage competitive proposals and that the deck has been stacked in favor of the existing franchise holder. He stated to have an affective competitive bidding process requires that the City employ a proven selection process that is meaningful, legitimate and objective and he would encourage the Council to adopt the ordinance and a process that will encourage top notch cable companies to submit sincere, ambitious proposals.

Mayor York indicated he has been on the Council over five years and he has always encouraged the public to communicate with him. He stated this Council has held public hearings on the cable question and the Council does appreciate the petition drive.

John Wallace, 904 Lake Boone Trail, indicated he looked forward to the Council adopting an ordinance and a procedure that will stimulate competition. He stated he is concerned that the procedure and the RFP will not accomplish that. He stated he is also concerned about the position the Council has taken on awarding multiple franchises as he does not feel that the Council is compelled by law to award more than one franchise. He indicated if more than one franchise is awarded, he feels that rates must go up. He pointed out pole space is a critical element that has not been addressed. He indicated the request for proposal opens a number of issues. He indicated he understood that the City Council had failed to require a prebid conference and he feels that that is a mistake as he feels that it is important to test this process early on rather than wait and have problems. He indicated in his opinion in this issue, competition in the marketplace can only produce higher rates. No one else asked to be heard, thus the hearing was closed.

Mayor York indicated the Council has until February 15 to make a decision as to the route they would like to take. Mr. Edwards indicated a plan has been adopted by the City Council and he feels it is a good plan. He indicated he still had some reservations pointing out the press has said that negotiations with ATC broke down but he feels that negotiations stopped because of the petition drive. He stated he would MOVE ADOPTION OF THE ORDINANCE AS PRESENTED BY THE PETITION. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 58

AN ORDINANCE TO REQUIRE THE CITY OF RALEIGH TO ENGAGE IN A COMPETITIVE BIDDING PROCESS BEFORE AWARDING COMMUNITY ANTENNA TELEVISION FRANCHISES

WHEREAS, the City of Raleigh is empowered by the North Carolina General Statutes to award franchises for the operation of Cable Television Franchises, and;

WHEREAS, though not required by the general law to be made subject to public bidding, the required percentage of citizens have requested that cablevision franchises be awarded by competitive bidding and the citizens have provided a suggested ordinance pursuant to the initiative provisions of Section 2.16 of the Raleigh City Charter, and;

WHEREAS, pursuant to the Raleigh City Charter, the City Council has held a public hearing on the proposed ordinance and has by motion acting in public session, adopted the proposed ordinance presented to them by the Citizens for Competitive Bidding.

NOW, THEREFORE, pursuant to the provisions of Section 2.16 of the Raleigh City Charter, the Raleigh City Council hereby enacts the following ordinance:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the City Council shall be required to solicit and consider proposals from all qualified parties prior to exercising its discretion to award or renew any franchise to provide cable television service to the City of Raleigh.

Adopted: 1/18/83

MATTERS SCHEDULED FOR PUBLIC HEARING BEFORE THE CITY COUNCIL AND THE PLANNING COMMISSION

The City Council went into a joint hearing with the Planning Commission at 8:20 p.m. The minutes of that meeting will be covered in a separate set.

Gail G. Smith
City Clerk and Treasurer

jj/SP4